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ACTS OF A GENERAL NATURE  
AND  
LOCAL LAWS AND JOINT RESOLUTIONS,

PASSED BY THE  
FIFTY-THIRD GENERAL ASSEMBLY,  
OF THE  
STATE OF OHIO:

BEGUN AND HELD IN THE CITY OF COLUMBUS,

JANUARY 4, 1858:

AND IN THE FIFTY-SIXTH YEAR OF SAID STATE.

VOLUME LV.

COLUMBUS:  
RICHARD HEVINS, STATE PRINTER.  
1858.



# ACTS OF A GENERAL NATURE.

## AN ACT

Making partial Appropriations for the year 1858.

<b>SECTION 1.</b> <i>Be it enacted by the General Assembly of the State of Ohio,</i> That the following sums be, and the same are hereby appropriated out of any money in the state treasury, for general revenue purposes, not otherwise appropriated, to be paid on the warrant of the auditor of state, for the year eighteen hundred and fifty-eight, to wit:	Appropriations. How paid out.
For the per diem pay of the lieutenant governor, as president of the senate, the payment of members of the general assembly, their clerks, assistant clerks, sergeants-at-arms, their assistants, and messenger boys, including deficiencies in former appropriations for the year eighteen hundred and fifty-seven, the sum of fifty thousand dollars.	Officers and members of general assembly.
For the current expenses of the Ohio penitentiary, the payment of guards and repairs, the sum of fifteen thousand dollars.	Penitentiary, expenses of.
For payment of stationery for use of the state, the sum of six thousand dollars.	Stationery.
For the payment of the salaries of the warden, deputy warden, clerk, physician, moral instructor and assistant teacher of the Ohio penitentiary, twelve hundred dollars.	Officers of Penitentiary.
For payment of fuel for use of the state, four hundred dollars.	Fuel.
For the contingent expenses of the secretary of state, three hundred dollars.	Secretary's contingent fund.
For the contingent expenses of the treasurer of state, five hundred dollars.	Treasurer's contingent fund.
For salary of the janitor of the state house, and contingent expenses, two hundred dollars.	Janitor of State House.
For printing for the state, ten thousand dollars.	Printing.
For the care of the public arms, two hundred dollars.	Care of public arms.
For payment of treasurers' mileage, eighteen hundred dollars.	Treasurers' mileage.
For payment of gas for state departments, one thousand dollars.	Gas.

Furnishing  
legislature,  
halls, &c.

For payment of expenses incurred in furnishing legislature in 1857, and for fitting legislative halls for 1858, seven hundred and fifty dollars.

Asylum for  
idiots.

For the current expenses of the "Ohio State Asylum for Idiots," the sum of two thousand dollars.

State librarian  
for indexing  
laws.

For the payment of the state librarian for indexing the laws and documents, as provided by joint resolution of the general assembly of April 17, 1857, a sum not exceeding three hundred dollars.

Fuel bought of  
penitentiary.

For the payment of bill for fuel bought of the Ohio penitentiary, January 1, 1857, one thousand and thirty-five dollars.

Fuel contracts.

For unpaid balances on fuel contracts for the use of the state, seventeen hundred dollars.

Rooms of  
governor, su-  
preme court  
and commit-  
tees.

For furniture, shelving and cases, for books and papers, and for gas fixtures in the governor's room, supreme court room and committee rooms, three thousand dollars, to be expended by the state house commissioners.

Work on State  
House.

For the continuance of work on the state house, six thousand and five hundred dollars.

Artesian well.

For the sinking of the artesian well, to be expended according to the joint resolution of general assembly, adopted April 8, 1857, two thousand and five hundred dollars.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

M. WELKER,

*President of the Senate.*

January 20, 1858.

#### AN ACT

To repeal an act entitled "An act to regulate and limit the compensation of certain county officers," passed April 8, 1856.

53 Laws. 162.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "an act to regulate and limit the compensation of certain county officers," passed April 8, 1856, be, and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

M. WELKER,

*President of the Senate.*

January 30, 1858.

## AN ACT

To fix and provide for holding the terms of the Courts of Common Pleas in the several counties of the Third Judicial District of the State of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the terms of the court of common pleas shall be holden in the several counties of the third judicial district of the state of Ohio, as follows:

Terms of com-  
pleas, 3d dis-  
trict.

In the county of Allen, on the first Tuesday of March, the second Tuesday of May, and the first Tuesday of October: In the county of Hardin, on the second Tuesday of March, the third Tuesday of May, and the second Tuesday of October: In the county of Marion, on the third Tuesday of March, the fourth Tuesday of May, and the third Tuesday of October: In the county of Union, on the first Tuesday of April, the second Tuesday of June, and the first Tuesday of November: In the county of Logan on the second Tuesday of April, the third Tuesday of June, and the second Tuesday of November: In the county of Shelby, on the fourth Tuesday of April, the first Tuesday of July, and the fourth Tuesday of November: In the county of Auglaize, on the first Tuesday of May, the second Tuesday of July, and the second Tuesday of December.

Allen.

Hardin.

Marion.

Union.

Logan.

Shelby.

Auglaize.

*Second Sub-division.*—In the county of Paulding, on the first Tuesday of February, and the first Tuesday of October: In the county of Defiance, on the second Tuesday of February, the first Tuesday of June, and the second Tuesday of November: In the county of Henry, on the third Tuesday of February, and the third Tuesday of November: In the county of Fulton, on the fourth Tuesday of February, the second Tuesday of June, and the fourth Tuesday of November: In the county of Williams, on the first Tuesday of March, the third Tuesday of June, and the next Tuesday after the fourth Tuesday in November: In the county of Van Wert, on the third Tuesday of March, and the third Tuesday of October: In the county of Mercer, on the fourth Tuesday of March, and the fourth Tuesday of October. In the county of Putnam, on the next Tuesday after the fourth Tuesday of March and the next Tuesday after the fourth Tuesday of October.

Paulding.

Defiance.

Henry.

Fulton.

Williams.

Van Wert.

Mercer.

Putnam.

*Third Sub-division.*—In the county of Wood, on the fourth Tuesday of February, the second Tuesday of June, and the second Monday of October: In the county of Seneca, on the second Tuesday of March, the third Tuesday of June, and the fourth Monday of October: In the county of Hancock, on the first Tuesday of April, the first Tuesday of July, and the third Tuesday of November: In the county of Wyandot, on the third Tuesday of April, the second Tuesday of July, and the fourth Tuesday of November: In the county of Crawford, on the fourth Tuesday of April, the third Tuesday of July, and the second Tuesday of December.

Wood.

Seneca.

Hancock.

Wyandot.

Crawford.



Act repealed. **SEC. 2.** An act passed March 17, 1856, entitled an act to amend an act to fix and provide for holding the terms of the courts of common pleas in the several counties of the third judicial district of Ohio, passed the 20th of February, 1856, be and the same is hereby repealed.

53 Laws, 30. **SEC. 3.** This act shall take effect from and after its passage.

**WILLIAM B. WOODS,**  
*Speaker of the House of Representatives.*  
**M. WELKER,**  
*President of the Senate.*

February 3, 1856.

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**AN ACT**

To repeal the "act to protect the investments of Municipal Corporations in the stock of Railroad Companies," passed April 10, 1856.

53 Laws, 211. **SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "an act to protect the investments of municipal corporations in the stock of railroad companies," passed April 10, 1856, be and the same is hereby repealed.

Act repealed.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

**WILLIAM B. WOODS,**  
*Speaker of the House of Representatives.*  
**MARTIN WELKER,**  
*President of the Senate.*

February 9, 1858.

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**AN ACT**

Swan's Rev. Stat., 654. To amend the 239th section of the act to establish a Code of Civil Procedure, passed March 11, 1853.

239th sec. of code amended. **SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the two hundred and thirty-ninth section of the act to establish a code of civil procedure, passed March 11, 1853, be and the same is hereby so amended as to read as follows: Section 239. The injunction may be granted at the time of commencing the action, or at any time afterward, before judgment, by the supreme court or any judge thereof, the court of common pleas or any judge thereof, or in the absence from the county of said judges, by the probate

Injunction; when and by whom granted

judge thereof, upon its appearing satisfactorily to the court or judge, by the affidavit of the plaintiff or his agent, that the plaintiff is entitled thereto. When the injunction has been allowed, and during the pendency of the action in the court of common pleas, has been vacated either by a judge in vacation, or by the court previous to the trial of the action, and an appeal is taken, after such trial, from the judgment or final order of said court to the district court, an injunction may be granted, at any time before judgment or final order in the action in the district court, by the supreme court or any judge thereof, or the district court in which such action is pending, or any judge of any court of common pleas, in the district where such action is pending, upon its appearing satisfactorily to the court or judge, by the affidavit of the party or his agent, that the party is entitled thereto.

Injunction vacated in common pleas, may after appeal be granted; when and by whom.

SEC. 2. That the said original section two hundred and thirty-nine be and the same is hereby repealed.

Original sec. repealed.

SEC. 3. That this act shall take effect from and after its passage, and shall apply to all actions now pending in the district courts or courts of common pleas.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

February 15, 1858.

#### AN ACT

To make partial Appropriations for the year 1858.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sum be and the same is hereby appropriated out of any money in the state treasury for general revenue purposes not otherwise appropriated, to be paid on the warrant of the auditor of state, for the year 1858, for payment of stationery for the use of the state, viz: three thousand dollars.

Appropriation for stationery.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

February 17, 1858.

## AN ACT

To repeal an act entitled "an act in relation to conveyances and devises of property for religious purposes."

54 Laws, 110. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "an act in relation to conveyances and devises of property for religious purposes," passed April 14, 1857, be and the same is hereby repealed.

SEC 2. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

February 17, 1858.

## AN ACT

53 Laws, 143. Supplementary to an act entitled "An act to authorize the consolidation of Railroad companies in this State, with Railroad companies of States adjoining, in certain cases, and to authorize Railroad companies in this State to extend their roads into adjoining States," passed April 10, 1856, and to facilitate the making of proof in certain cases arising under the provisions of said act.

Copy of agreement and act of consolidation evidence, &c. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a copy of the agreement and act of consolidation, specified in the second section of the act to which this is supplementary, duly certified by the secretary of state, under the great seal of the state of Ohio, shall be received in the courts of this state as prima facie evidence of the existence of the several corporations parties to said agreement, prior to and at the time of the execution thereof, of the consolidation of such corporations as specified in such agreement, that such consolidation was authorized by the laws of the several states, within which the several corporations parties to such agreement were chartered, and into which such consolidated roads extend, and of all and singular the facts, statements and covenants, set forth and recited in said agreement and act of consolidation, or in the certificates indorsed thereon, as provided in the said second section of said act.

In suit v. consolidated company, what not necessary to produce or prove. SEC. 2. That it shall not be necessary to produce or prove the charters of the corporations parties to such consolidation, the laws of the several states under and by virtue of which such consolidation was effected, or the original articles of consolidation, in any suit brought to charge such

consolidated company with any liability of either of the companies parties to said act of consolidation, any law or custom to the contrary notwithstanding.

Sec. 3. This law shall be in force from and after the date of its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
EDWARD M. PHELPS,  
*President pro tem. of the Senate.*

February 19, 1858.

#### AN ACT

Supplementary to an act to provide for the organization of Cities and Incorporated Villages, passed May 3, 1852.

Swan's Rev.  
Stat. 935.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the inhabitants of adjacent parts of two or more counties may be organized into an incorporated village for general purposes, in the manner prescribed by, and to be governed by the provisions of the act to which this is supplementary, except as herein otherwise provided.

Inhabitants of adjacent parts of counties may be organized into an incorporated village, etc.  
Petition, to whom made.

SEC. 2. The application by written petition prescribed by section two of the act to which this is supplementary, shall in all applications under this act be made to the commissioners of that county in which the greatest number of qualified voters of the proposed village shall reside at the time of such application; and the said petition, together with a map or plat in said section mentioned, shall be recorded in each of the counties in which any part of such village shall be situated; and when recorded the original papers shall be deposited with the recorder of the county in which the application shall have been made, whose duty it shall be to file and preserve the same, and make out and furnish to the proper persons the transcripts required by the fifth section of the act to which this is supplementary.

Where petition and plat to be recorded.

Where original papers to be filed.  
Transcripts to be furnished.

SEC. 3. In all cases in which by the provisions of the act to which this is supplementary, the jurisdiction of municipal officers of incorporated villages is made coextensive with the county in which any such incorporated village is situated, the jurisdiction of the like officers of any incorporated village organized under the provisions of this act shall be co-extensive with each of the counties in which any part of such incorporated village may be situated.

Extent of jurisdiction of officers of such village.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
EDWARD M. PHELPS,  
*President pro tem. of the Senate.*

February 23, 1858.

## AN ACT

54 Laws, 170. To repeal an act entitled "An act to prohibit the confinement of fugitives from slavery in the jails of Ohio," passed April 16, 1857.

✓

Act repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "an act to prohibit the confinement of fugitives from slavery in the jails of Ohio," passed April 16, 1857, be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
EDWARD M. PHELPS,  
*President pro tem. of the Senate.*

February 23, 1858.

## AN ACT

To amend section thirty-six of "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852.

✓

Rates of toll.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section thirty-six of an act entitled an act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1st, 1852, be so amended as to read as follows: Section 36. Every turnpike or plank road company, entitled to charge toll as aforesaid, shall be authorized to receive from persons traveling on or using said road, the following tolls for every ten miles travel on such road, and in the same proportion for any less distance, to wit: For every four wheeled carriage, drawn by one horse or other animal, fifteen cents, and for each additional animal, five cents; for every sled or sleigh drawn by one horse or other animal, five cents, and for each additional animal, five cents; for every horse and rider, five cents; for every horse, mule or ass, six months old or upwards, one cent; for every head of sheep or hogs, one half cent; for every stage coach, drawn by four horses or other animals, fifty cents; for every two wheeled carriage, drawn by one horse, mule or other animal, ten cents; provided that any person or persons going to and from public worship on the sabbath, funerals, militia musters, elections, jurymen going to and from court, the troops and armies of the United States and of this state, may pass on any such turnpike or plank road free from toll: provided further, that all turnpike companies organized under this act, whose roads lead from cities of the first class, and whose capital stock shall be made up entirely by private subscriptions, shall be authorized to collect toll from all per-

sons driving funeral carriages or other vehicles attending such funeral, over their road, at the same rate as they are now authorized by law to charge on similar carriages and vehicles, passing through a toll gate, located within five miles of any such city of the first class, except from the person or persons driving the hearse and the first four accompanying carriages.

SEC. 2. Section thirty-six of an act entitled an act for the creation and regulation of incorporated companies in the state of Ohio, passed May 1st, 1852, is hereby repealed. Swan's R. S., 218.

SEC. 3. This act shall take effect from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
EDWARD M. PHELPS,  
*President pro tem. of the Senate.*

March 1, 1858.

#### AN ACT

To amend section sixty-six of an act entitled "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the sixty-sixth section of the act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852, be and the same is hereby [so] amended as to read as follows:

Swan's R. S., 227.

Sec. 66. That from and after the passage of this act it shall be lawful for any religious sect, denomination, or association, fire company, or any literary, scientific, or benevolent association, (other than colleges, universities, academies or seminaries,) within this state to elect at a meeting of a majority of any organized synod, presbytery, church, or other religious association, fire company, literary, scientific, or benevolent association, as aforesaid, any number of their members, not less than three, to serve as trustees or directors, and one member as clerk, who shall hold their office during the pleasure of the society or association.

Formation of religious societies, fire and other companies.

Sec. 2. That original section sixty-six of said act be and the same is hereby repealed; but rights acquired and acts done under or by virtue of the same shall not in any manner be affected or impaired by this act.

Rights, etc., saved.

Sec. 3. This act shall take effect upon its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

March 4, 1858.

## AN ACT

53 Laws, 174. To amend section eight of an act entitled "An act providing for Recording, Printing and Distributing the Journals of the General Assembly, and the Laws and Public Documents," passed April 8, 1856.

Numbers of  
documents to  
be printed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eight of the act to which this act is an amendment, be so amended as to read as follows: Sec. 8. There shall be printed under the provisions of the foregoing section, in pamphlet form, and covered in brochure covers, for the purposes in this section specified, the following numbers of each of the following documents, to wit: Of the following annual reports, to wit: Auditor of state—for the auditor, 500 copies; for the general assembly, 4000 copies. Secretary of state—for the secretary, 500 copies; for the general assembly, 2000 copies. Treasurer of state—for the treasurer, 300 copies; for the general assembly, 2000 copies. Attorney general—for the attorney, 300 copies; for the general assembly, 2000 copies. Commissioner of common schools—for the commissioner, 5000 copies; for the general assembly, 2000 copies. Board of public works—for the board, 500 copies; for the general assembly, 2000 copies. Commissioners of the sinking fund—for the commissioners, 300 copies; for the general assembly, 2000. Penitentiary—for the officers of the penitentiary, 500 copies; for the general assembly, 2000 copies. State house commissioners—for the commissioners, 200 copies; for the general assembly 1000 copies. Lunatic asylum at Columbus—for the asylum, 1000 copies; for the general assembly, 4000 copies. Lunatic asylum at Dayton—for the asylum, 500 copies; for the general assembly, 2000 copies. Lunatic asylum at Newburg—for the asylum 500 copies; for the general assembly, 2000 copies. Institution for the blind—for the institution, 1000 copies; for the general assembly, 3000 copies. Institution for the deaf and dumb—for the institution, 1000 copies; for the general assembly, 3000 copies. Board of commissioners for reform schools—for the commissioners, 1000 copies; for the general assembly, 3000 copies. Ohio asylum for idiotic and imbecile youth—for the asylum, 1000 copies; for the general assembly, 3000 copies. State librarian—for the general assembly, 240 copies. Auditor of state's detailed statement of the receipts and expenditures of the public money—for the executive office of this state, 500 copies; for the general assembly, 1500 copies.

Sec. repealed. SEC. 2. Section eight of the act to which this act is an amendment, is hereby repealed.

WILLIAM B WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

March 4, 1858.

## AN ACT

Concerning Notaries Public and Commissioners, and prescribing their duties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor be, and he is hereby authorized to appoint and commission as notaries public as many citizens of this state, having the qualifications of electors, residing in the several counties in this state for which they are appointed, as he may deem necessary; provided that before making any such appointment each applicant shall produce to the governor a certificate from a judge of the court of common pleas or supreme court residing in the same county or district, that the applicant is of good moral character, that he is an elector of the county in which he resides, and that he possesses sufficient qualifications and ability to discharge the duties of the office of notary public.

Appointment  
of notaries.

Qualifications,  
etc.

SEC. 2. Each notary public so appointed and commissioned shall hold his office for the term of three years, if so long he behave well, and that before entering upon the duties of his office he shall give bond to the state of Ohio in the sum of fifteen hundred dollars, with security to be approved by the governor, conditioned for the faithful discharge of the duties of his office, and he shall take and subscribe an oath or affirmation, to be indorsed on his commission, that he will support the constitution of the United States and of this state, and that he will honestly, faithfully and impartially discharge and perform all the duties of his office to the best of his ability.

Term of office,  
bond and oath.

SEC. 3. Each notary public so commissioned shall, before entering upon the duties of his office, leave his commission, with the oath thereon indorsed, with the clerk of the court of common pleas in the county or district in which he resides, for the purpose of being recorded by him.

Where com-  
mission with  
oath indorsed  
thereon, to be  
filed, etc.

SEC. 4. Upon receipt of any such commission, the clerk shall record the same in a separate book kept in his office for that purpose, and indorse on the margin of the record and on the back of said commission the time he received the same for record, and make a proper index to all commissions by him recorded.

Commission  
to be recorded  
and index of  
record made,  
etc.

SEC. 5. Upon application, the clerk shall make out a certified copy of any such commission and the indorsements thereon, under the seal of the court, and such certified copy shall be prima facie evidence of all the matters and facts therein contained.

Certified copy  
of commission  
to be evidence.

SEC. 6. For services under this act, the clerk shall be entitled to receive the following fees: For recording and indexing each commission, forty cents, and the like fees for certified copies of such commissions as are allowed by law to clerks of the court of common pleas for copies and certificates of records kept by them.

Fees for re-  
cording com-  
missions, etc.



Who shall not  
be appointed.

Sec. 7. No banker, broker, or officer, attorney, stockholder, clerk or agent, of any bank, banker, or broker, shall be appointed to, or shall hold the office of notary public in this state.

Powers of notaries public.

Sec. 8. Each notary public, duly appointed, commissioned and qualified, shall have power within the county in which he may reside, to administer all oaths required or authorized by law to be administered in this state, to take and certify depositions to be used in any of the courts of this state, to take and certify to all acknowledgments of deeds, mortgages, liens, powers of attorney and other instruments of writing, and to receive, make, and record notarial protests.

Fees of notaries.

Sec. 9. For each oath or affirmation administered and certified, the notary public shall receive twenty-five cents, and no more; for the presentment, demand, notice to drawers and indorsers, and instruments of protest of each bill of exchange or promissory note, he shall receive the sum of one dollar; and for recording each instrument by him required to be recorded, the sum of ten cents for each one hundred words, and no more; and for his services in taking and certifying acknowledgments of deeds, mortgages, liens, powers of attorney and other instruments of writing, and for the taking and certifying of depositions, he shall receive the same fees as are now by law prescribed for justices of the peace; and in taking depositions he shall have the same power to compel the attendance of witnesses, and to punish witnesses for refusing to testify, which is now vested by law in justices of the peace; and all sheriffs and constables in this state are hereby required to serve and return all process issued by such notaries in the taking of depositions.

Powers as to witnesses.  
Duties of sheriffs and constables.

Foreign and domestic protests evidence.

Sec. 10. The instrument of protest of any notary public appointed and qualified under the laws of this state, or the laws of any other state or territory of the United States, accompanying any bill of exchange or promissory note which has been protested by such notary for non-acceptance or for non-payment, shall be held and received in all the courts of this state as prima facie evidence of the facts therein certified; provided, that any party may contradict, by other evidence, any such certificate.

Penalty for receiving excess of fees, etc.

Sec. 11. Any notary public who shall charge or receive any fee or reward for any act or service done or rendered by him under this act greater than the amount herein limited, or who shall dishonestly or unfaithfully discharge any of his duties as notary public, shall, on complaint filed and substantiated in the court of common pleas in the county in which such notary public resides, be removed from his said office by such court; and the court shall thereupon certify the fact of such removal to the governor, and the party so removed shall be thereafter ineligible to a re-appointment to the office of notary public in this state.

Sec. 12. The governor is authorized to appoint and commission as commissioners of the state of Ohio, so many persons residing in any other state or in any territory of the United States, or in any foreign state, and furnishing such evidence of qualifications as he may think proper to require, who shall continue in office for the term of three years, and shall have authority to take affidavits and depositions to be used in any of the courts of this state, and also to take acknowledgment and proof of the execution of any deed or other conveyance, and of any lease, contract, letter of attorney, or other written instrument to be recorded or used in this state, every person thus appointed commissioner of the state of Ohio, shall, before the issuing of his commission, procure a proper seal of office, and shall take and subscribe an oath or affirmation before some judge of a court of record or some other commissioner of the state of Ohio within the state, territory or county in which he may reside, well and faithfully to execute and perform all the duties of such commissioner under the laws of this state, which oath with his signature thereto, and an impression of his seal of office, shall be transmitted to the governor, and filed in the office of the secretary of state.

Appointment  
and qualifica-  
tions of foreign  
commission-  
ers.

Powers of such  
commissioners

Seal and oath.

Sec. 13. Depositions taken upon interrogatories, upon notice, or by consent, and affidavits taken before a commissioner of the state of Ohio, shall be entitled to be read in any suit or other proceeding in this state, and shall have the same effect as if taken before a magistrate or officer thereunto authorized within this state, and all certificates of acknowledgment and proof of execution made or granted by such commissioner shall have the same effect as if made or granted by such magistrate or officer. Such commissioner shall be entitled to charge and receive for his services under this act the following fees and no more, to wit: For swearing each witness, twenty-five cents; for each one hundred words contained in any deposition and certificate or affidavit taken before him, twenty cents; for authenticating, sealing up and directing each deposition, one dollar; for authenticating each affidavit sworn to before him, one dollar; for taking the acknowledgment and proof of each deed or other conveyance, lease, contract, letter or power of attorney, or other written instrument, two dollars; and any commissioner who shall charge or receive any fee or reward for any act or service done or rendered by him under this act greater than the amount herein limited, or who shall dishonestly or unfaithfully discharge any of his duties as such commissioner, shall [be] removed from office by the governor on complaint to him and such proof as shall satisfy the governor that such commissioner is guilty of the official misconduct charged, and the governor shall forthwith notify the party of such removal, who shall be thereafter ineligible to re-appointment.

Depositions,  
do., taken by.

Fees of, do.

Penalty for re-  
ceiving excess  
of fees.

to the office of commissioner of this state, and the governor may also give such public notice of such removal as he may deem necessary or advisable.

Record of  
names, &c. of  
notaries and  
commissioner

Fee for com-  
mission.

Term of office  
of commis-  
sioners hereto-  
fore appointed  
to continue.

When term of  
commissioners  
appointed  
previous to  
April 17, 1857  
expires.

Act of notary  
after expira-  
tion of term  
valid.

Penalty for  
acting after  
term expires.

Swan's Rev.  
Stat. 577.

54 Laws. 225.

SEC. 14. There shall be kept in the office of the governor, a record, showing distinctly the names [and] residence of all persons commissioned as notaries public or as commissioners of the state of Ohio, and the commencement and termination of each term of office; and there shall be paid by each person receiving a commission as notary public, the sum of one dollar; and by each person receiving a commission as commissioner of the state of Ohio, the sum of three dollars; which sums, after paying the wages of a messenger for the executive office, shall form part of the compensation of the private secretary of the governor.

SEC. 15. The term of office of each commissioner for the state of Ohio heretofore appointed under the laws of this state, in any other state or in any territory of the United States, or any other country, and all notaries public now holding appointments, shall be continued as if this act had not been made. And the term of office [of] each commissioner of the state of Ohio appointed previous to the 17th day of April, A. D. 1857, under the laws of this state, in any other state, or in any territory of the United States, or any other country, shall expire at the end of one year from the said 17th day of April, A. D. 1857.

SEC. 16. Any act done by a notary public subsequently to the expiration of his term of office shall be as valid as if done during his term of office.

SEC. 17. Any person appointed a notary public who shall do or perform any act as a notary public after the expiration of his term of office, knowing that his term of office has expired, shall be fined in any sum not exceeding five hundred dollars, upon conviction thereof, on indictment found in any court having jurisdiction of such offence.

SEC. 18. The act entitled an act providing for the appointment of notaries public and prescribing their duties, passed April 2d, 1852, and also the act entitled an act concerning notaries public and commissioners, passed April 17, 1857, are hereby repealed.

SEC. 19. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

March 13, 1856.

## AN ACT

To amend the act entitled "an act to regulate the admission and practice of attorneys and counselors at law," passed February 14, 1824.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the third section of the act entitled "an act to regulate the admission and practice of attorneys and counselors at law," passed February 14, 1824, be so amended as to read as follows: That no person shall be admitted to such examination unless he shall have previously resided one year within this state, and shall produce from some attorney or counselor at law, a certificate setting forth that such applicant is of good moral character, and that he has regularly and attentively studied law, during the period of two years, previous to his application for admission, and that he believes him to be a person of sufficient legal knowledge and ability to discharge the duties of an attorney or counselor at law; provided, that any person residing in this state, or coming into this state for the purpose of making it his permanent residence, upon producing satisfactory evidence to the judges that he has read law for the period of two years under the tuition of some licensed attorney, and has been regularly admitted as an attorney or counselor at law, in some court of record within the United States, or that he has been in the practice of law in some one of the United States [or] territories thereof during the period of two years previous to his application for admission, may be admitted to an examination at any time by producing to said judges satisfactory evidence that such applicant sustains a good moral character, and by satisfying the judges aforesaid by affidavit or oath that he actually resides in this state, or intends to become a citizen thereof.

Swan's R. S.,  
54.

Qualifications  
of applicant.

Sec. 2. That section five of said act be so amended as to read as follows: Sec. 5. That no person shall hereafter be permitted to practice as an attorney or counselor at law in any court in this state who is not a citizen of the United States, or who has not declared his intention of becoming a citizen of the United States, and who does not actually reside in this state, any license heretofore granted to the contrary notwithstanding, except in cases in which he shall have been employed before the taking effect of this act, or who holds a commission as judge of the supreme court or a court of common pleas, or who is a clerk of the supreme court or a court of common pleas, in any court of which he is clerk, or who is a sheriff, coroner, or deputy sheriff; provided, that nothing herein contained shall in any wise prevent attorneys or counselors at law from practicing in this state who reside in states or territories which permit attorneys and counselors at law residing in this state to practice therein; and provided further, that nothing in this act contained shall prevent

Applicant  
must reside in  
this State and  
be a citizen of  
U. S. or have  
declared his  
intention to  
become such.

Who shall not  
practice law.

any judge of any of the courts of this state from finishing any business by him undertaken in the circuit or district courts of the United States prior to his election as judge.

Original secs  
repealed.

SEC. 3. That the original sections, three and five, of the act to which this is an amendment, be and the same are hereby repealed.

SEC. 4. That this act shall take effect from and after its passage; provided, that this act shall in nowise affect or impair the provisions of an act entitled "an act to regulate the admission of attorneys at law in certain cases," passed April 7, 1856.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

March 13, 1858.

#### AN ACT

Making partial appropriations for the repair of the Public Works of Ohio and for the support of the Central Lunatic Asylum, for 1858.

Public works. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby appropriated out of any moneys in the treasury derived from public works and not otherwise appropriated, for the purpose of putting the canals and other public works of the state in repair for navigation and spring use, the sum of one hundred thousand dollars.

How paid out. SEC. 2. That the money appropriated by the first section of this act shall be paid out under the limitations and restrictions that now are or may hereafter be prescribed by law, and in such proportions as the division under the charge of each acting commissioner shall require, in just proportion to the amount of public works in such division, and the amount of work necessary to be done.

Existing indebtedness. SEC. 3. That so much of the money appropriated by the first section of this act as may be necessary for that purpose, shall be applied [to] the payment of the existing indebtedness for superintendence and repairs of the public works, and the residue to the payment of the cost of repairs hereafter to be made.

Repairs in future. SEC. 4. That there be, and hereby is appropriated for the support of the central Ohio lunatic asylum, in part for the current year, the sum of ten thousand dollars.

C. O. Lunatic  
Asylum.

SEC. 5. This act shall take effect on its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

March 16, 1858.

AN ACT

To repeal an Act therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled an act to prevent slaveholding and kidnapping in Ohio, passed April 17, 1857, be and the same is hereby repealed. Act repealed.  
54 Laws, 186.

SEC. 2. This act shall take effect upon its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

March 27, 1858.

AN ACT

To repeal an act entitled an act further to amend and supplementary to an act securing the benefits of the writ of habeas corpus, passed April 5, 1856; and to re-enact section 6 of an act securing the benefits of the writ of habeas corpus, passed February 22, 1811, and section 9 of an act further to amend the act entitled an act securing the benefits of the writ of habeas corpus, passed February 8, 1847.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled an act further to amend and supplementary to an act entitled an act securing the benefits of the writ of habeas corpus, passed April 5, 1856, be and the same is hereby repealed. 53 Laws, 61.  
Act repealed.

SEC. 2. That section six of the act entitled an act securing the benefits of the writ of habeas corpus, passed February 22, 1811, and repealed by the act repealed by the first section of this act, be and the same is hereby re-enacted, as follows: Sec. 6. That any person who shall be set at large upon any habeas corpus, shall not be again imprisoned for the same offense, unless by the legal order or process of the court wherein he or she shall be bound by recognizance to appear, or other court having jurisdiction of the cause or offence. And if any person shall knowingly, contrary to this act, recommit or imprison, or cause to be recommitted or imprisoned, for the same offence, or pretended offence, any person so set at large, or shall knowingly aid or assist therein, he shall forfeit to the party aggrieved, five hundred dollars, any colorable pretense or variation in the warrant or commitment, notwithstanding. Swan's R. S.,  
451.  
  
Persons enlarged upon the writ, not to be again imprisoned for same offence.  
  
Penalty for again arresting, &c., such person.

SEC. 3. That section nine of the act entitled an act further to amend the act entitled an act securing the benefits of the writ of habeas corpus, passed February 8, 1847, and repealed by the act repealed in section first of this act, be and the Swan's R. S.,  
454.

Section re-en-  
acted.

Adjournment  
of cause.

same is hereby re-enacted as follows: Sec. 9. That when any writ of habeas corpus shall have been allowed, the court or judge to which the same shall be returned, or into which it shall be adjourned, shall, for good cause shown, continue the said cause, and shall make order for the safe keeping of the person imprisoned or detained, as the nature of the case shall require.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

March 27, 1858.

#### AN ACT

To repeal an act therein named.

Act repealed.

54 Laws, 30.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled an act to authorize justices of the peace and mayors to purchase Warren's Ohio Criminal Law and Forms, passed March 11, 1857, be and the same is hereby repealed.

When act  
takes effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

March 27, 1858.

#### AN ACT

To amend section 3 of an act entitled an act for the appointment of certain officers therein named, passed February 17, 1831.

Swan's R. S.,  
330.

How sheriffs,  
recorders and  
auditors may  
appoint deputies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of an act entitled an act for the appointment of certain officers therein named passed February 17, 1831, be amended so as to read as follows: Sec. 3. That the sheriff of any county may appoint, in term time or vacation, one or more deputies, to be approved by any judge of the court of common pleas of such county; and the oath which such deputy is required to take by the fifth section of this act may be administered by any officer authorized to administer oaths, within such county. The

recorder of any county may also appoint a deputy, to be approved by the court of common pleas of such county; and the auditor of any county may appoint a deputy, to be approved by the commissioners of such county; provided, that the court or county commissioners (as the case may be) be satisfied that the duties of recorder or auditor require such deputy.

Oath of office  
who may ad-  
minister it.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act  
takes effect.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

March 27, 1858.

#### AN ACT

To revive an act allowing fees to county auditors for filing and preserving certain papers, passed February 24, 1848.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of the several county auditors in this state, in filing away the statements of the taxable property of the individual tax payers as returned by the township assessor, in pursuance of the provisions of the twenty-ninth section of an act entitled an act for the assessment and taxation of all property in this state, and for levying taxes thereon according to its true value in money, passed April 13, 1852, to file the statements aforesaid returned from the different townships in separate bundles, each township by itself, instead of filing each statement separately.

Act revived.

County audi-  
tor to file as-  
sessor's re-  
turns in separ-  
ate bundles,  
each township  
by itself.

SEC. 2. That the county auditors shall be allowed and paid out of the county treasury, the sum of twenty-five cents, and no more, for filing away the statements of taxable property in each township in their respective counties, as required by the first section of this act.

Fees.

SEC. 3. This act shall take effect from and after its passage.

When act  
takes effect.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

March 27, 1858.



## AN ACT

To authorize the governor to convey to Susan Adams one hundred and forty-four acres of land in Marion county, and receive from her a release to the State of her dower right in six hundred and forty acres in Allen, Putnam, Fulton and Williams counties.

Governor authorized to convey certain land if dower is released in other land.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor of this state is authorized, and hereby directed to convey to Susan Adams, of Franklin county, Ohio, her heirs and assigns forever, the following tracts of land lying in Marion county, Ohio, described as follows, to wit: Lands in the United States military district, in said Marion county, being lot number two, containing one hundred and five acres, and fractional lot number nine, containing thirty-nine acres, more or less, in the first quarter of township seven, range nineteen, being the same lands conveyed by A. A. Bliss and wife to the state of Ohio, in said Marion county, in consideration of the said Susan Adams releasing to the State all her right, title and interest, legal and equitable, in and to five other tracts of land, also conveyed to the State by the said Albert A. Bliss and wife; one containing one hundred and sixty acres in Allen county, one containing one hundred and sixty acres in Putnam county, one containing one hundred and sixty acres in Fulton county, and two containing eighty acres each, in Williams county, Provided, that the governor shall not make the conveyance aforesaid, unless the said Susan Adams executes to the state of Ohio a deed of release, or quit claim, as aforesaid.

Proviso.

Governor authorized to receive release.

SEC. 2. That the governor is hereby authorized to receive from the said Susan Adams a deed of release or quit claim, of all her right, title, and interest, legal and equitable, in and to said five tracts of land last named in the foregoing section, to the state of Ohio.

When this act takes effect.

SEC. 3. That this act shall take effect from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

March 27, 1858.

## AN ACT

To amend the eighth section of an act entitled "an act to exempt the homestead of families from forced sale on execution to pay debts," passed March 23, 1850.

Sec. amended.

Swan's R. 8,  
712.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the 8th section of the act entitled "an act to exempt the homestead of families from forced sale on execution, to pay debts," passed March 23, 1850, be so

amended as to read as follows: Sec. 8. That it shall be lawful for any resident of Ohio, being the head of a family, and not the owner of a homestead, to hold exempt from execution or sale as aforesaid, personal property to be selected by such person, not exceeding three hundred dollars in value, in addition to the amount of chattel property now by law exempted. The value of said property to be estimated and appraised by two disinterested householders of the county, to be selected by the officer holding the execution, who shall be sworn by said officer impartially to make such appraisalment.

Exemption of personal property.

By whom the property is to be appraised,

Sec. 2. The said original section eight is hereby repealed.

Sec. repealed.

Sec. 3. This act shall not apply to or affect judgments or orders which have been or may be rendered upon contracts made before its passage, but all such payments and orders shall be subject to the exemptions and governed by the provisions of said original section eight, in the same manner, and to the same extent as if this act had not been passed.

Certain judgments or orders not affected by this act.

Sec. 4. This act shall take effect upon its passage.

When this act takes effect.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

March 27, 1858.

#### AN ACT

To authorize the Governor of the State of Ohio, to execute a certain deed of conveyance therein named.

WHEREAS, It appears from the final certificate of Isaac Bates, acting treasurer of ministerial section twenty-nine in Mill Creek township, Hamilton county, Ohio, dated March 27, 1850, that Daniel F. Goodhue was the holder of the original lease for the following land, viz:

The south half of the north west quarter of said section twenty nine, and paid for the same two hundred and fifty dollars, being the full amount at which said tract was appraised, and surrendered his lease and took a receipt therefor in conformity to a law relating to said section twenty-nine, passed March 7, 1850.

AND WHEREAS, the said Daniel F. Goodhue received a deed for the said premises from the governor of Ohio, dated August 21st, 1850, as appears by the record in the secretary of state's office; and it further appears that the description of the premises in the final certificate and deed aforesaid was identical with that in the said lease.

AND WHEREAS, it appears by the certificate of the said Isaac Bates, acting treasurer, dated December 15th, 1857, that the said land was erroneously described in said certificate of March 27, 1850, and that the east half of the north west quarter of said section twenty-nine, should have been conveyed to the said Daniel F. Goodhue, instead of the south half of the north west quarter.

AND WHEREAS, there is no existing law by which the aforesaid error can be healed; therefore,

Governor authorized to execute deed if grantee executes release.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor of the state of Ohio, be and he is hereby authorized in the name of, and in behalf of the state of Ohio, to execute to Daniel F. Goodhue a deed in fee simple for the aforesaid east half of the northwest quarter of section twenty-nine, in Mill Creek township, in the county of Hamilton, provided that the said Daniel F. Goodhue shall first release all his interest in the premises conveyed to him by the governor of Ohio, by deed dated August 21, 1850.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

March 27, 1858.

#### AN ACT

To amend an act entitled an act relating to dower, passed January 28, 1823, (1824.)

Swan's R. S.,  
329.

Of what  
estates widow  
to be endowed.

May remain in  
mansion house  
one year un-  
less, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first section of an act entitled an act relating to dower, passed January 28, 1823, (1824), be so amended as to read as follows: Sec. 1. That the widow of any person dying shall be endowed of one full and equal third part of all the lands, tenements and real estate of which her husband was seized, as an estate of inheritance at any time during the coverture, and of all lands, tenements and real estate of which her husband at his decease held the fee simple in remainder or reversion. And she shall in like manner be endowed of one-third part of all the right, title or interest that her husband, at the time of his decease, had in any lands and tenements held by bond, article, lease or other evidence of claim; and she shall remain in the mansion house of her husband, free of charge, for one year after his death, if her dower be not sooner assigned to her; provided, that dower shall not be assigned to any widow in

any lands, tenements, [or] real estate of which her husband, *Proviso.*  
at his decease, held the fee simple in reversion or remainder  
until after the termination of the prior estate.

SEC. 2. That section one of said act be and the same is *Sec. repealed.*  
hereby repealed.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

March 27, 1858.

#### AN ACT

To amend section 25 of an act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14th, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 25 of an act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," be amended so as to read as follows: Upon the return of said order of arrest, executed in pursuance of the preceding section, the trial of said cause shall proceed, unless for good cause shown, upon the application of either party, or at the instance of the justice himself, the same shall be continued for any period, as is provided for in other cases before justices of the peace; and when the trial of said cause is continued for any period, the defendant, upon executing with one or more sufficient sureties, a written undertaking to the plaintiff in the premises, and to the acceptance of the justice, to the effect that if judgment shall be rendered in the action against the defendant, he will render himself amenable to the process of the court thereon, shall be discharged from custody: *Sec. amended. Swan's R. S., 504.* Provided, however, that in no case shall the defendant be detained in the custody of the officer, when said continuance has been for more than forty-eight hours, unless said continuance has been made at the instance or with the consent of the defendant himself. *Proceedings after arrest.*

SEC. 2. That the original section 25 of the above recited *Sec. repealed.*  
act is hereby repealed.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

March 27, 1858.

## AN ACT

To amend section 306 of the code of civil procedure, passed March 11th, 1853, and to prescribe the mode of keeping record of sales of property made pursuant to orders of courts, and to provide for re-docketing actions in certain cases.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That section 306 of an act entitled "an act to establish a code of civil procedure," passed March 11th, 1853, be amended so as to read as follows: Sec. 306. The trial docket shall be made out by the clerk of the court, at least twelve days before the first day of each term of the court, and the actions shall be set for particular days in the order in which the issues were made up, whether of law or of fact, and so arranged that the cases set for each day, shall be tried as nearly as may be on that day. For the purpose of arranging said docket, an issue shall be considered as made up when either party is in default of a pleading. Said clerk shall not place upon the trial docket any cases in which nothing remains to be done, except to execute an order for the sale of real or personal property, and to distribute the proceeds as directed by said order. It shall be the duty of the clerk of the court of common pleas in the several counties of this state, when an order of sale is issued in a case not on the docket, to enter the same on the execution docket in the same manner that he does executions, with a description of the real estate, if there be any, to be sold, and to enter the subsequent proceedings had in pursuance of said order in the same manner as the proceedings on executions are or may be required to be entered. And when a sale of real estate is made in pursuance of such order, it shall be confirmed in all respects, as sales on execution, are or may be, and after the sale the officer shall be governed in all respects by the law relating to sales on execution. Should it at any time become necessary to take any other steps in such case, than to sell or confirm a sale, or distribute the proceeds of a sale according to the order, the case may be re-docketed on the application of either party, and when so re-docketed, it shall stand in all respects as if it had remained on the docket.

**Sec. 2.** That the said original section 306 of said act is hereby repealed, and this act shall take effect upon its passage.

**Sec. amended.** of Ohio, That section 306 of an act entitled "an act to establish a code of civil procedure," passed March 11th, 1853, be amended so as to read as follows: Sec. 306. The trial docket shall be made out by the clerk of the court, at least twelve days before the first day of each term of the court, and the actions shall be set for particular days in the order in which the issues were made up, whether of law or of fact, and so arranged that the cases set for each day, shall be tried as nearly as may be on that day. For the purpose of arranging said docket, an issue shall be considered as made up when either party is in default of a pleading. Said clerk shall not place upon the trial docket any cases in which nothing remains to be done, except to execute an order for the sale of real or personal property, and to distribute the proceeds as directed by said order. It shall be the duty of the clerk of the court of common pleas in the several counties of this state, when an order of sale is issued in a case not on the docket, to enter the same on the execution docket in the same manner that he does executions, with a description of the real estate, if there be any, to be sold, and to enter the subsequent proceedings had in pursuance of said order in the same manner as the proceedings on executions are or may be required to be entered. And when a sale of real estate is made in pursuance of such order, it shall be confirmed in all respects, as sales on execution, are or may be, and after the sale the officer shall be governed in all respects by the law relating to sales on execution. Should it at any time become necessary to take any other steps in such case, than to sell or confirm a sale, or distribute the proceeds of a sale according to the order, the case may be re-docketed on the application of either party, and when so re-docketed, it shall stand in all respects as if it had remained on the docket.

**Swan's R. S., 662.** The trial docket.

**What cases not to be placed on trial docket.**

**Duty of clerk when order of sale is issued.**

**Confirmation of sale, &c.**

**Case may be re-docketed when, &c. Its status then. Sec. repealed, and when act takes effect.**

WILLIAM. B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

March 27, 1858.

## AN ACT

To provide for the establishment and government of Reform Schools.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the term reform schools shall be understood to apply to institutions, where youth are detained, under discipline, for their reformation, rather than for their punishment, which institutions shall consist of three classes.

Reform schools; three classes.

**SEC. 2.** Class one embraces houses of refuge now or hereafter organized according to the provisions of this act, or the act entitled "an act to authorize the establishment of houses of refuge," passed April 16th, 1857.

Class one.

**SEC. 3.** Class two embraces institutions such as the State reform farm, now established in Fairfield county, in this State.

Class two.

**SEC. 4.** Class three embraces institutions to be called "reformatories," to be established in accordance with the provisions of sections sixteen and seventeen of this act.

Class three.

**SEC. 5.** The board of commissioners for reform schools, constituted in pursuance of the act which is repealed by this act, shall exercise over all said reform schools a wholesome supervision, by visiting and examining them periodically, and aiding them with advice, and using proper efforts to bring them all, wherever practicable, under uniform rules and regulations, so as not, however, unduly to interfere with the special managers placed over them by law. The state reform farm shall, as herein provided, be under the special care and control of said board.

Duties of board of commissioners.

**SEC. 6.** The said board of commissioners shall continue to consist of the three members now appointed for the period of their appointment, and their powers and duties shall be as designated in this act. Their successors shall be appointed by the governor, by and with the advice of the senate, one of their number being designated by the appointing power aforesaid, acting commissioner, and all of them to hold their offices for three years from the day of their appointment, and until their successors are appointed and qualified, unless vacancies occur from death, resignation, or removal, for cause as herein provided. Said commissioners shall, before entering upon the duties of their offices, take an oath or affirmation as required by the constitution of this state, and also give such bond in such amount and with such security, as may be approved by the governor, said bond to be deposited with the treasurer of state. The acting commissioner shall receive a salary of fifteen hundred dollars per annum, to be paid quarterly, but no other fees, perquisites, or personal expenses whatever, and the two advisory commissioners shall receive five dollars per diem for the time actually employed, but no traveling or other expenses or fees whatever. The acting commissioner shall devote all

Board of commissioners.

Their successors; how appointed.

Oath.

Salaries.

Duties of acting commissioner.

Meeting of board.	his time to the duties of his office. The board shall meet at least once a month; but no per diem shall be paid to any commissioner for more than forty-five days in any one year;
Salaries and per diem; how paid.	and the salary and per diem shall be paid out of the treasury of the state, on the order of said board of commissioners upon the warrant of the auditor of state.
Rules and regulations.	SEC. 7. The said board of commissioners shall have power to maintain and enforce any rules and regulations now established for said reform farm, and any alterations made therein, by and with the advice and consent of the governor. Said board shall, by and with the consent of the
Appointment of officers.	governor, appoint all necessary officers, sub-officers, and assistants, giving them their proper official designation, prescribing their powers and duties, and fixing their compensation, and shall remove them for good and sufficient cause. The appointees shall participate in the manual labor and other exercises upon said farm, and all or any of them shall, before being intrusted with money, give bond and security to be approved by said board of commissioners. A majority of said board shall be a quorum, and vacancies in it shall be filled as the original appointments are made, except when the general assembly is not in session, and then by the governor until the twentieth day of the next session of the
Annual report of commissioners.	general assembly. The board shall report annually to the governor on or before the twentieth of November, which report shall contain full and detailed accounts of the fiscal affairs of the state reform farm and its management and condition, as well as of all reform schools in the state; and the governor shall transmit the same to the general assembly with his annual message. Said board of commissioners
Erection, &c., of buildings.	shall have power to erect, repair, remove, alter or rebuild any buildings, and have them arranged for the accommodation of such number of youth, for each family building as may be deemed most useful; also to direct and control the farming and cultivating of the lands, fruit trees, vines and crops of every description, and shall dispose of the products thereof to the best possible advantage. The said board shall, however, guard carefully against embezzlement, by making and enforcing rules and regulations and proper checks upon all money transactions, so that there may be strict and frequent accountability, and all money realized from the sale of any crops, may be used for the purposes of said state reform farm, in addition to appropriations, to be reported, however, to the auditor of state quarterly, and annually to the governor, and the auditor and treasurer of state are hereby directed to refund the fifty-six dollars and forty cents heretofore paid into the treasury by the board of commissioners as proceeds of products sold to [by] said state reform farm, to be disposed of as herein provided. Said commissioners shall also have power to support, instruct,
To prevent embezzlement	
Disposition of crops.	

employ, remunerate, regulate, punish and control the youth detained on said farm, and for these purposes to enter into all requisite contracts and agreements, and to adopt all rules and regulations, and to do all things necessary and desirable to render the said state reform farm efficacious for reforming the inmates according to the true intent and meaning of this act. Said board of commissioners are hereby authorized to purchase of John D. Martin, of Lancaster, the eighty (80) acres of land referred to in their annual report, and to use therefor the unexpended portion of the appropriation made in section eight of the act to which this act is an amendment, amounting to eight hundred and eighty-four dollars and twenty-five cents, taking from said J. D. Martin such warranty of title as the governor shall approve.

Further duties  
of commis-  
sioners.

Sec. 8. No commissioner or employee upon said state reform farm shall be personally interested in any contract, purchase or sale made, or any business carried on in behalf of, or for said reform farm; and all contracts, purchases, or sales made in violation of this section, shall be held and declared null and void, and all moneys paid to such contractor or employee, or to any person for their benefit, in whole or in part in consideration of such contracts, purchases, or sales, may be recovered back by civil suit, to be instituted, in the name of the state of Ohio, against such contractor, or employee, or person acting in their behalf; and in addition, it is hereby made the duty of the governor and the board of commissioners, as the case may be, upon proof satisfactory of the fact of such interest, to immediately remove the commissioner or employee delinquent, as aforesaid, and to report the facts to the attorney general, who shall take such legal steps in the premises as he shall deem expedient.

Commission-  
ers not to be  
interested.

Sec. 9. No building upon said reform farm shall cost, in addition to the labor of the inmates, and the materials obtained upon the farm, more than \$5,000, nor shall any family building, in addition to the labor and materials as aforesaid, cost more than \$2,000. All buildings shall be plainly and substantially constructed, and no expenditure shall be made in excess of appropriations; and for all expenditures, contracts, or debts, in violation hereof, the commissioner, officer, or employee, voting for or agreeing to the same, shall be liable in his individual capacity.

Buildings,  
cost of.

Sec. 10. It shall be lawful for the board of commissioners aforesaid, to receive upon said reform farm, and detain there under their control and guardianship, such male youth as may be received and detained in houses of refuge, under sections six, seven, eight and nine, of the said act, entitled "an act to authorize the establishment of houses of refuge," and the manner and form prescribed in sections ten and eleven of said act, in reference to the examinations and com-

Who shall be  
received.



mitment of such youth, is hereby extended to and shall be held to apply to the examination and commitment of youth to said reform farm; and all powers vested by the act aforesaid in the boards of directors of houses of refuge, with reference to such institutions, is hereby conferred upon said board of commissioners, in reference to the state reform farm; provided that this section shall not be so construed as to exclude from the said farm youth under eighteen years of age.

Provisions of act to authorize houses of refuge to apply to state reform farm.

Sec. 11. The several provisions contained in sections twelve, thirteen, fourteen and fifteen of the said act to authorize the establishment of houses of refuge, by which the directors of said houses of refuge are not required to receive any further youth after the houses are full, shall be held to apply to the commissioners of reform schools in reference to the state reform farm. The provisions in reference to the period for which any youth is committed and the statement which must accompany the commitment, and the form thereof, are also hereby extended to and shall be held to apply to commitments to the state reform farm.

Other provisions to authorize houses of refuge to apply to state reform farm.

Sec. 12. It is hereby further provided, that the several provisions contained in sections fifteen, sixteen and seventeen, of the said act, entitled "an act to authorize houses of refuge," in reference to the apprenticing and the cancellation of indenture of apprenticeship, and the arrest and recapture of fugitives, be and they are hereby extended to and shall be held to apply to said state reform farm, and the same shall be the case with the provisions in reference to any return to any writ of habeas corpus, directed to any commissioner, officer, or employee, upon said state reform farm, as contained in sections nineteen and twenty of said act; provided that fugitives from said farm may be retaken upon the written order of the acting commissioner, or the chief officer upon the farm, or by any commissioner, officer, or employee, upon fresh pursuit without any such order.

Costs of commitment, by whom paid.

Sec. 13. The costs in any case, and the actual expenses incurred in the transportation of any youth to the state reform farm, shall be paid by the county from which such youth is committed, upon the order of the county auditor, to the officer transporting such youth, upon the presentation of his sworn statement of account certified to by the proper officer upon said state reform farm. It is hereby made the duty of the officer who shall be charged with the execution of the commitment made out by the court, to retain the person so ordered to be committed, in his custody until he shall be notified by the board of commissioners that there is room for the intended inmate at the state reform farm.

Sec. 14. It shall be lawful for the governor upon the written recommendation of the board of directors of any house of refuge, or the board of commissioners of reform schools, or the managers or owners of reformatories, to re-

move any youth committed to any reform school from one reform school to another, the cost of transportation to be paid by the reform school at whose instance the removal takes place. Such removal, however, shall not increase the period for which such youth was to remain in such reform school; notice of such removal, if deemed proper, shall be given to the parents or guardians of the youth, and the clerk of the court of common pleas of the county from which he was committed; and in all cases, when so removed, the youth shall be under the control of the authorities of the institution to which he is removed, in like manner as if originally committed therein, and shall be discharged only by the authorities aforesaid. Any juvenile offender or convict, now or hereafter sentenced to or confined in the Ohio penitentiary, or any jail in the state, may, at the discretion of the governor, be removed to the state reform farm, or any other reform school, if there be room therein, the offender to be admitted under the by-laws, rules and regulations of said reform school.

SEC. 15. The parents and friends of any youth committed to any reform school, willing to bear the expense of the same, may, by agreement made between them and the authorities of the respective reform schools, be held to pay a weekly charge, not exceeding one dollar and fifty cents, the moneys so received to be duly reported, and expended as other moneys, for the benefit of such reform school.

SEC. 16. It shall be lawful for any person or persons, or any benevolent or charitable society either now or hereafter legally organized in this state, to establish a reform school of class three, to be called a "reformatory," as provided in section four of this act, into which youth may be committed, as hereinafter provided, for the purpose of training and practicing them in agricultural, horticultural, mechanical or manufacturing labor. The person or persons, or society, having determined to establish a reformatory as aforesaid may procure, examine and fix upon plans, specifications and estimates for erecting suitable buildings, or altering or improving, or furnishing and completing any already built, arrange and lay out any farm or lot of land in this state, to be used as a reformatory for the reception and safe-keeping, maintenance and proper training of juvenile offenders; and it is hereby made the duty of the commissioners for reform schools, to aid such person or persons, or society, with proper advice and with all information in their possession; and when such reformatory shall be completed, the fact of such completion shall be reported to the board of commissioners for reform schools, who shall immediately take the proper measures to have the same thoroughly examined, either by themselves or some person appointed by them, to ascertain whether it is suitably prepared for the reception of inmates, and supplied with capable teachers, and whether proper

Removal of youth from one reform school to another.

Juvenile offender or convict may be removed from Ohio Penitentiary or Jail to state reform farm or school.

Parents and friends of youth committed, may pay expenses.

To establish a reform school of class three, to be called a reformatory.

Plans &c., for building reformatory.

Duty of Board of commissioners.

**Expenses of examination.**

**Number of youth to be admitted.**

**Powers of commissioners of State Reform farm to apply to owners, &c., of reformatory.**

**Examination of reformatories.**

rules and regulations have been adopted, which rules and regulations shall not afterwards be altered or amended, except with the advice and consent of said board of commissioners. The expense of the examination aforesaid shall be paid by the person or persons or society at whose instance it is made; and the said board of commissioners shall report in writing to the governor, who may, if the report of the board of commissioners, as aforesaid, be favorable, and he approve said report, issue his proclamation declaring the said reformatory to be established as a reform school of class three under the laws of this state. Any youth that under any law of this state can be committed either to a house of refuge or to the state reform farm, may hereafter be committed to the number of one hundred, (but never male and female in the same institution together,) to such reformatory, in the manner and form prescribed in the act entitled "an act to authorize the establishment of houses of refuge," for a period not less than two years nor more than five years, if the person or society controlling such reformatory shall be willing to receive such youth. All the powers vested by this act in the board of commissioners with reference to the retention, recapture, maintenance, support, employments and control of any youth detained upon the state reform farm shall attach and apply to the owners, managers, officers and instructors of such reformatory; provided, that said owners, managers, officers or instructors shall not claim any public support for such reformatory, but shall rely solely upon their own private means, the labor of the inmates, the moneys received as a weekly charge and private charity; provided further, that they shall not be liable either in their individual or corporate capacity for any labor performed in such reformatory by any youth committed therein by due process of law.

SEC. 17. The board of commissioners of reform schools, any court of record in this state, the grand jury for the county in which the reformatory is located, shall have, either in person, or by some visitor and examiner appointed by them, full access at all seasonable hours to any such reformatory for the purpose of examining into its condition, and at least once every three months, the court of common pleas, for the county in which a reformatory is located, shall appoint two fit and discreet persons to examine into the conduct of the respective officers and managers, and the behavior and condition of the inmates, and whether any abuses exist, and if they discover any abuse or abuses they are hereby required to report in writing to the said court, which may proceed to hear and determine said charges, and if the facts reported are substantiated, may adjudge the reformatory abolished, whereupon the youth detained therein by authority of law shall be removed to another reform

school within this state, or discharged, as the said court shall direct.

SEC. 18. The city council of any city of this state, whether a house of refuge be already established in or for said city or not, shall have power to erect and establish, within the limits thereof, or in its vicinity, a house of refuge for females, under and in accordance with the said act entitled "an act to authorize the establishment of houses of refuge," and any city establishing such a house of refuge within a year from the passage of this act, upon a body of land, upon plans and specifications approved by the board of commissioners for reform schools, shall be entitled to receive the sum of five thousand dollars from the state treasury, to be expended in the purchase of the body of land for the said house of refuge, or in providing buildings for the same, or in payment for both land and buildings, as the case may be; provided, that only one such house of refuge shall, as designated by said board of commissioners, be entitled to receive said sum from the state.

Houses of refuge for females

SEC. 19. The board of directors of the house of refuge for females so established, shall, upon the completion of the same, be entitled to receive annually the sum of five thousand dollars in consideration of the due execution and performance of the following contract, that is to say: the board of directors aforesaid shall agree with the board of commissioners of reform schools by contract in writing, which contract both the board of directors and the board of commissioners are hereby authorized to make and enter into, if approved and ratified by the governor, that they, the said board of directors, will receive into said house of refuge for the period of five years, and properly employ, maintain, educate, clothe, feed and safely keep, to the number of fifty, such female youth from all parts of the state, as may under the laws of this state be sent to any house of refuge; and for the objects contemplated in this and the preceding sections, the sum of ten thousand dollars is hereby appropriated for the year 1858, and for the object contemplated in this section the sum of five thousand dollars for the year 1859, to be paid on the order of the board of commissioners for reform schools, upon the warrant of the auditor of state, out of any moneys not otherwise appropriated.

Board of directors to receive \$5,000 — upon what terms.

SEC. 20. The board of commissioners for reform schools are hereby authorized to enter into contracts with the board of directors of the house of refuge at Cincinnati, and the board of directors aforesaid is also authorized to contract with said board of commissioners for the reception into, and employment, maintenance, feeding, clothing, educating and safe keeping in said house of refuge for the period of five years, (the female youth having been removed therefrom,) of such of the male youth from all parts of the state, to the number of one hundred, (at least four fifths of whom shall be

Contracts to be entered into with house of refuge at Cincinnati.

from without the city of Cincinnati,) as may under the law authorizing the establishment of houses of refuge and this act, be committed therein; and upon due execution of said contract, and its approval and ratification by the governor, the said board of directors shall be entitled to receive the sum of ten thousand dollars per annum, to be duly expended by said board of directors for said house of refuge; and there is hereby appropriated for this purpose the sum of ten thousand dollars for the year 1858, and ten thousand dollars for the year 1859, to be paid on the order of the board of commissioners for reform schools, upon the warrant of the auditor of state, out of any moneys in the treasury not otherwise appropriated.

Appropriations.

Gifts, grants, &c.

SEC. 21. The said board of commissioners may, in the name and in behalf of the state, receive voluntary conveyances of gifts, and grants of real and personal property of every description, to be used and expended and duly reported as herein provided for the purposes of this act.

The state's reform farm a special school district.

SEC. 22. The state reform farm is hereby declared a special school district, and shall be entitled to receive its due share of school moneys and books, according to the number of inmates therein.

SEC. 23. The act entitled "an act to provide for the establishment of reform schools," passed April 16, 1857, is hereby repealed; provided, however, that this repeal shall not affect any rights accrued to the state or individuals by said act, nor any appropriation therein made.

SEC. 24. This act shall take effect upon its passage.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 2, 1858.

#### AN ACT

To protect side walks not within the corporate limits of any city, town or village.

Any person may construct side walk ten feet in width.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for any person, persons or company, to construct side walks, not exceeding ten feet in width, on the sides of any public highways in this state; provided that such side walks shall not in any manner obstruct any public highway.

SEC. 2. That if any person or persons shall maliciously injury or destroy any such side walk; or if any person or persons shall ride, drive or lead upon such side walk, any horse or other animal whose weight might be injurious thereto, such person or persons shall, upon conviction thereof, before any justice of the peace of the township in which such offence shall have been committed, forfeit and pay a fine of not less than two dollars nor more than five dollars; and shall be liable in damages to the owner or owners of such side walk to the amount of the injury done.

Fine for injuring side-walk.

Liable for damages to the owner.

SEC. 3. That all fines collected under the provisions of this act shall be paid into the township treasury for the use of the common schools of such township.

Fines to be paid into township treasury.

SEC. 4. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 2, 1858.

#### AN ACT

Further to prescribe the Duties of County Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where the infirmary of any county in this state may have been or shall hereafter be destroyed by fire or otherwise, the county commissioners of such county shall be authorized to enter into all necessary contracts for the purpose of rebuilding the same without submitting the question as to the policy of the outlay or expense involved therein, to the qualified voters of the county, as provided in section third of the act entitled "an act further to prescribe the duties of county commissioners," passed April 8, 1856; provided, that in no case shall such outlay or expense exceed the sum of fifteen thousand dollars.

Commissioners authorized to re-build county infirmary, when destroyed by fire or otherwise.

SEC. 2. This act to take effect and be in force from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 2, 1858.

## AN ACT

To amend an act entitled an act to amend an act entitled an act to incorporate the Original Surveyed Townships, passed March 14, 1831.

Township  
trustees to  
make divid-  
end of rents  
and interest  
from section  
twenty-nine.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section first of an act entitled an act to amend an act entitled an act to incorporate the original surveyed townships, passed March 14, 1831, be so amended as to read as follows: Section 1. That in any township, or fractional township, wherein section number twenty-nine is reserved, it shall be the duty of the trustees to meet on the second Monday of April, annually, at the most convenient place nearest the center of such township, or fractional township, and then make a dividend of the rents and interest accruing from said section twenty-nine, to each religious society, agreeably to the thirteenth section of the act to which this is an amendment, and in making such dividend, each society shall be entitled to receive a just proportion of the money received by the treasurer.

SEC. 2. This act to take effect and be in force from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 2, 1858.

## AN ACT

To amend the 43d section of an act relating to Wills, passed May 3, 1852.

Duty of pro-  
bate judge.

Widow to  
elect to take  
under will, or  
be endowed of  
the lands,  
within one  
year.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section forty-three of an act entitled an act relating to wills, be amended so as to read as follows: Section 43. If any provision be made for a widow, in the will of her husband, it shall be the duty of the probate judge forthwith after the probate of such will, to issue a citation to said widow, to appear and make her election, whether she will take such provision, or be endowed of the lands of her said husband, and said election shall be made within one year from the date of the service of the citation aforesaid; but she shall not be entitled to both, unless it plainly appears by the will to have been the intention that she should have such provision in addition to her dower.

SEC. 2. That the original section forty-three of said act be, and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 2, 1858.

## AN ACT

Supplementary to an act to establish a Code of Civil Procedure, passed March 11, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*; That in all cases in which real or personal property is to be sold by virtue of any execution, decree or order of any court of this state, any one a party to the suit, and who has some interest in the property to be sold, may make a motion to the court before whom the case is pending, asking that a notice of the sale be also published in some German newspaper, and if it appear to the court that such notice would be for the benefit of the parties interested, the court shall order the sheriff, commissioner, or other officer making such sale, to give notice thereof in some German newspaper, if any be printed in the county in which such property is situated, and if more than one, in that which has the largest circulation therein, in the same manner and for the same time that such notices are now required by law to be made and published, but no error or mistake, either in the contents of such notice, or the time of its publication, shall delay the proceedings in court, or affect the title to the property so sold.

Court may direct notice of sale published in German newspaper when requested by person interested.

SEC. 2. The officer required to give such notice may refuse to have the same published unless the party, his agent or attorney, upon whose motion the notice was ordered to be given, advance to such officer, upon proper demand made by him for the same, sufficient money to discharge the fees of the printer for publishing such notice.

Party interested to advance money to pay printer.

SEC. 3. In all cases in which, under the code of civil procedure, service on a defendant or on defendants can be made by publication, the court is hereby authorized to adopt such a rule or rules as to require such notices to be published in some German newspaper, if any be printed in the county, and if more than one, in that which has the largest circulation therein.

SEC. 4. All costs accruing under this act shall be charged as other costs in the case, and the clerk of the court and officer charged with giving such notices as are herein required, shall be entitled to the same fees as they are now for like services.

Fees of clerk.

SEC. 5. Nothing in this act shall be so construed as to dispense with the publication of any legal notice in manner now required by law to be made.

Legal notices to be still published as now required by law.

SEC. 6. This act to take effect and be in force from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 2, 1858.



AN ACT

To authorize the Election of one additional Judge of the Court of Common Pleas in the first sub-division of the ninth judicial district.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That for the ninth judicial district of the state of Ohio, there shall be one additional judge of the court of common pleas, who shall be a resident of the first sub-division of said district, composed of the counties of Stark, Carroll and Columbiana, and be elected by the qualified electors of said counties at the next annual election of state and county officers, in the same manner and for the same time as is prescribed by law for the election of other judges of the court of common pleas, and shall be entitled to receive the same salary, and when so elected and qualified, shall have, in all respects, the same power and discharge the same duties, as are conferred or enjoined by the constitution of the state of Ohio and laws of the state of Ohio, upon other judges of said courts, and any vacancy that may occur in the office of such additional judge, whether by the expiration of his term of service or otherwise, shall be filled as in other cases.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 8, 1858.

AN ACT

To create the Tenth Common Pleas District of Ohio, and to change the sub-divisions of the Third Common Pleas District.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the tenth common pleas district shall be and hereby is created as follows: To consist of the counties of Lucas, Wood, Seneca, Crawford, Hancock, Wyandot and Putnam.

**SEC. 2.** The county of Lucas shall constitute the first sub-division of the tenth common pleas district.

The counties of Wood, Hancock and Putnam shall constitute the second sub-division of the tenth common pleas district.

The counties of Seneca, Crawford and Wyandot shall constitute the third sub-division of the tenth common pleas district.

**SEC. 3.** The sub-divisions of the third common pleas district shall be changed as follows:

The first sub-division in the said third common pleas district shall consist of the counties of Logan, Union, Hardin and Marion. First sub-division.

The second sub-division shall consist of the counties of Shelby, Auglaize, Allen, Mercer and Van Wert. Second sub-division.

The third sub-division shall consist of the counties of Paulding, Defiance, Williams, Fulton and Henry. Third sub-division.

SEC. 4. For the third judicial district of the court of common pleas of the state of Ohio as hereby constituted, there shall be at the annual election on the second Tuesday of October, 1858, be elected one additional judge of the court of common pleas for the second sub-division in said third judicial district. He shall be elected in the same manner and serve for the same period, and receive the same compensation, and perform the same duties as other judges of said court of the state of Ohio, whose term of office shall commence on the second Tuesday of February, 1859. Additional judge in second sub-division of third district.

SEC. 5. This act to take effect and be in force from and after its passage. Term of office, salary and duties.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 8, 1858.

#### AN ACT

To enable both parties to testify in suits pending before the taking effect of the Code of Civil Procedure, to which Corporations are parties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in cases now pending in any of the courts of this state, to which a corporation is a party, which were pending when the code of civil procedure took effect, and in which the directors or stock holders of such corporation are competent as witnesses for said corporation, the other party or parties to said suit shall also be competent to testify as witnesses for themselves, or when called by any other party to the suit, any law, rule or practice heretofore existing to the contrary notwithstanding. In what case pending before code, both parties may testify.

SEC. 2. This act shall take effect and be in force from and after the date of its passage. When act takes effect.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 8, 1858.

## AN ACT

To create an additional Judge of the Court of Common Pleas in the Second Judicial District of Ohio.

<p>Additional judge in second district to reside in third sub-division.</p> <p>When to be elected.</p> <p>Term of office.</p> <p>Salary.</p> <p>Powers and duties.</p> <p>Vacancy, how filled.</p>	<p><b>SECTION 1.</b> <i>Be it enacted by the General Assembly of the State of Ohio,</i> That there shall be one additional judge in and for the second judicial district of Ohio, who shall be a resident of the third sub-division of said district, composed of the counties of Warren, Clinton, Greene and Clark, and he shall be elected by the qualified electors of the counties aforesaid, at the next annual election for state and county officers, in the same manner and for the same term of office as is prescribed by the constitution and laws of Ohio for the election and service of other judges of said court; and said judge, when elected and qualified, shall receive the same compensation as other judges of the court aforesaid; and he shall also, in every respect, have the same jurisdiction, possess the same powers, discharge the same duties, and incur the same penalties, as are now or may hereafter be conferred or enjoined by the constitution and laws of Ohio.</p> <p><b>SEC. 2.</b> When a vacancy shall occur in the office of said additional judge, whether by the expiration of his term of office, or otherwise, it shall be filled as in other cases.</p>
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WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 8, 1858.

## AN ACT

Authorizing the election of one additional Judge of the Court of Common Pleas in the Sixth Judicial District of Ohio.

<p>Additional judge to be resident of district.</p> <p>When to be elected.</p> <p>Term of office and salary.</p> <p>Powers and duties.</p>	<p><b>SECTION 1.</b> <i>Be it enacted by the General Assembly of the State of Ohio,</i> That for the sixth judicial district there shall be one additional judge of the court of common pleas, who shall be a resident of the said district, consisting of the counties of Wayne, Holmes, Coshocton, Licking, Knox, Delaware, Richland, Ashland and Morrow, and be elected by the qualified voters of said counties, at the next annual election for state and county officers, in the same manner and for the same term as is prescribed by law for the election of other judges of the court of common pleas, and who shall be entitled to receive the same salary, and when so elected and qualified, shall have, in all respects, the same jurisdiction, possess the same powers, and discharge the same duties, within said district, as are conferred or enjoined by the constitution and laws of the state upon other judges of said</p>
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court. And any vacancy that may occur in the office of such additional judge, whether by expiration of his term of service or otherwise, shall be filled according to law. But in all cases of an election to fill any such vacancy, the same shall be done by the electors of said sixth judicial district in pursuance of law.

Vacancy, how filled.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 8, 1858.

#### AN ACT

To amend sections twenty-five, twenty eight and sixty of an act entitled 'An act for the assessment and taxation of all property in this State, and for levying taxes thereon, according to its true value in money,' passed April 13, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twenty-five of an act entitled an act for the assessment and taxation of all property in this state, and for levying taxes thereon according to its true value in money, be amended so as to read as follows: Sec. 25. The assessment of all personal property, moneys and credits, investments in bonds, stock, joint stock companies or otherwise, and the valuation of all lands and lots, and new structures which have not previously been valued and placed on the duplicate, shall be made between the second Monday of April and the third Monday of May annually, and the assessor of each township, shall on or before the first Monday of May annually leave with each person resident in his township, of full age, and not a married woman or insane person, or at the office, usual place of residence or business of such persons, a written or printed notice, requiring such person to make out for such assessor, a statement of the property which by this act, he is required to list, accompanied with printed forms in blank of the statement required of such persons; and the assessor shall, at the time he delivers such notice and blank forms, receive from such persons the statement of his or her personal property, moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, verified by his oath, unless such person shall require further time to make out such statement, in which case he shall call for such statement before the third Monday of May.

Swan's Rev.  
Stat. 908.

When assessment shall be made.

Notice to, and statement of property by owner.

SEC 2. That section twenty-eight be amended so as to read as follows: Sec. 28. Each township assessor shall, on or before the third Monday of May, annually, make out and deliver to the auditor of his county, in tabular form and

Swan's Rev.  
Stat. 910.

Time and  
mode of re-  
turn of asses-  
sor to county  
auditor.

alphabetical order, a list or lists of the names of the several persons, companies or corporations, in whose name any personal property, moneys, credits, investments in bonds, stocks or joint stock companies or otherwise, shall have been listed in his township, and he shall enter separately in appropriate columns, opposite each name, the aggregate value of the several species of personal property enumerated in the seventh section of this act, as attested by the person required to list the same, or as determined by the assessor, making separate lists of persons residing out of an incorporated town, and of persons who are residents of any incorporated town; the columns shall be accurately added up, and in every case where any person whose duty it is to list any personal property, moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, for taxation, shall have refused to list the same when called on for that purpose by the assessor, or to take and subscribe an oath or affirmation, in regard to the truth of his statements of personal property, moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, or any part thereof, when required by the assessor, the assessor shall enter opposite the name of such person in an appropriate column, the words, "refused to list," or "refused to swear;" and in every case where any person required to list property for taxation shall have been absent or unable from sickness to list the same, the assessor shall enter opposite the name of such person, in an appropriate column, the word "absent," or "sick."

Swan's Rev.  
Stat. 919.  
Annual coun-  
ty board of  
equalization,  
powers and  
duties.

Sec. 3. That section sixty be amended so as to read as follows: Sec. 60. There shall be an annual county board for the equalization of the real and personal property, and moneys and credits in each county, exclusive of the city of Cincinnati, to be composed of the county commissioners and county auditor, who shall meet for that purpose at the auditor's office in each county on the first Wednesday after the third Monday of May annually. Said board shall have the power to hear complaints, and to equalize the valuation of all real and personal property, moneys and credits, within the county, and shall be governed by the rules prescribed in the fifty-third section of this act, for the government of county boards for the equalization of real property; provided, that said board shall not reduce the value of the real property of the county below the aggregate value thereof, as fixed by the state board of equalization, nor below its aggregate value on the duplicate of the preceding year, to which shall be added the value of all new entries and new structures, over the value of those destroyed, as returned by the several township assessors for the current year.

Secs. repealed.

Sec. 4. That sections twenty-five, twenty-eight and sixty of said act be, and the same are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage. When act takes effect.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 8, 1858.

#### AN ACT

To amend the ninth section of the act to provide for the sale of lands forfeited to the State for the non-payment of taxes, passed March 14, 1831.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the ninth section of the act to provide for the sale of land forfeited to the state for the non-payment of taxes, passed March 14th, 1831, be amended to read as follows: Sec. 9. That in all cases where any claimant of any lands heretofore sold, or which may hereafter be sold for the non-payment of taxes, under any law of the state, his heirs or assigns shall recover by action or otherwise the land so sold as aforesaid for taxes, such claimant, his heirs or assigns shall be liable to refund to the purchaser, his heirs or assigns, the amount of taxes, interest and penalties due to the state, on the land when sold, together with all other taxes paid thereon by such purchaser, his heirs or assigns up to the time of recovery, with interest; to be recovered by action, or counter claim, or otherwise as the case may require; and the same shall be required to be paid to the person or persons entitled thereto, before such person or persons shall be evicted or turned out of possession by any claimant recovering, by action, the land so sold for taxes.

Swan's Rev. Stat. 942.

If lands are recovered the taxes, &c. to be refunded to purchaser, &c.

How taxes &c. to be recovered

Taxes &c. to be paid before eviction.

SEC. 2. That said original section, and the act to amend said act, passed February 17, 1835, be and are hereby repealed.

Repealing sec.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 8, 1858.

## AN ACT

To establish the Independent Treasury of the State of Ohio.

What constitutes the State treasury.

To be sole place of deposit, &c., of money of State.

How drawn or paid out.

What shall constitute county treasuries.

Public money to be kept there.

How drawn or paid out.

Duties of State and county treasurers.

Comptroller of the treasury. His term of office, duties and compensation.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the rooms assigned to the treasurer of state, in the capitol at Columbus, together with the safes, vaults and other proper and necessary means for the security and safekeeping of the public money thereto belonging, shall constitute the treasury of the state of Ohio; and the treasurer of state shall be required to use the treasury so constituted as the sole place for the deposit and safe keeping of the money of the state; and the money in the treasury shall not be drawn or paid out except in the manner hereinafter provided, and pursuant to appropriations made by law.

SEC. 2. That it shall be the duty of the county commissioners of each county in this state, to provide without delay, if the same has not been already done, a suitable room or rooms, with fire-proof vaults or safes, and all other necessary means for the security and safe keeping of the public moneys in the county; and the same shall constitute the treasury of the county; and the public money paid into the county treasury, whether it belong to the county, state or other party, shall be kept by the county treasurer, in the treasury of the county, and shall not be drawn or paid out except in the manner provided by law.

SEC. 3. The state treasurer and each county treasurer shall be required to keep safely in his treasury, without loaning, using or depositing in banks, or elsewhere, all the public moneys [of] whatsoever character, paid into such treasury, or otherwise, at any time placed in his possession and custody, till the same is ordered by the proper department or officer of the state government to be transferred or paid out according to law; and when such orders for the transfer or payment are received, faithfully and promptly to make the same as directed, and also to do and perform all other duties as a fiscal agent of the state, which may be imposed by this act, or any other law of this state, or by any other rule or regulation of the treasury made in conformity to law.

SEC. 4. For the purpose of securing a more full and perfect system of accountability among the officers of the fiscal department of the state, there shall be created a comptroller of the treasury, whose term of office shall be three years, and it shall be his duty to make diligent inquiry after all claims and accounts of every description in favor of the state, and require prompt payment of the same; and in case the payment of any such claim be resisted, to place the same in process of collection, under the charge of the attorney general of the state, and he shall perform such other duties, and receive such compensation as shall be prescribed by law.

SEC. 5. Every payment of money into the state treasury shall be made on the draft of the comptroller, drawn in favor of the state treasurer, upon the person making payment; and no payment into the state treasury shall discharge the liability of [to] the state, unless it be made on the draft of the comptroller, as aforesaid. And it shall be the duty of the comptroller to preserve a duplicate copy of every such draft, and to keep an accurate record of its number, amount, date and name of the person upon whom drawn, designating the fund to which it belongs; and to report the aggregate amount of all such drafts to the auditor of state at the close of every week, designating the exact amount belonging to each fund. The auditor of state shall keep an accurate record of every such weekly report of the comptroller, and charge the amount thereof, specifically to each account kept in the auditor's office, of receipts and disbursements of the state treasurer.

How money is to be paid into State treasury.

Comptroller's duties.

SEC. 6. No money shall be drawn or paid out of the state treasury, or transferred from the state treasury to any county treasury, or to any other place, for use or disbursement, unless it be on the warrant of the auditor of state drawn upon the state treasurer, countersigned and registered by the comptroller, and no warrant shall be drawn by the auditor or countersigned by the comptroller, on the treasurer for the payment of any money, unless the same shall have been appropriated by law, for the purpose for which it is required to be paid. It shall be the duty of the auditor of state to preserve a duplicate copy of every such warrant and also to keep an accurate record of the number, amount and date of every such warrant and the name of the person in whose favor drawn, specifying the fund from which payable, and to report the aggregate amounts thereof to the comptroller, at the close of every week; showing the specific amount belonging to each fund. It shall be the duty of the treasurer of state to keep accurate records of the number, amount, and date of every draft of the comptroller, in favor of the treasurer of state, and to whom payable, as well as of every warrant of the auditor of state on the treasurer, presented and paid, and his books shall at all times show the exact amount of every payment into, and every payment out of the treasury, and the exact condition of every fund.

How money drawn out of State treasury.

Duties of State auditor.

Duties of State treasurer.

SEC. 7. The auditor of state and comptroller shall, at the close of every three months, or oftener if they see fit, after comparing and adjusting their records of the drafts of the comptroller in favor of the treasury and the warrants of the auditor against the same, settle with the treasurer of state, and ascertain the precise condition of the state treasury upon the books, and also, by actual inspection, ascertain the actual amount of money remaining in the treasury, together with all other property, bonds, securities, claims, assets and effects, which should be in the custody and possession of the

Quarterly settlement with treasurer and examination of treasury.



**Report to governor.** treasurer, and report the result of such settlement and examination to the governor.

**How money to be paid into county treasury.** SEC. 8. All payments of money into the county treasury of every description, excepting the payment of taxes charged on the duplicate and made before the return by the treasurer of the delinquent list for unpaid taxes, shall be paid to the county treasurer, on the draft of the county auditor, in favor of the treasurer; and the county auditor shall preserve a duplicate copy of every such draft, and the auditor and treasurer shall each keep an accurate record of the number, date and amount of every such draft, specifying the respective funds in favor of which they are drawn; provided, however, that in case of a payment or transfer of money from the state treasury to the county treasury, the same shall be made on the warrant of the auditor of state, instead of the draft of the county auditor; and in which case the state auditor shall transmit a triplicate copy of such warrant to the county auditor to be by him preserved, and a record by him kept of the number, date, fund and amount thereof.

**Duties of county auditor and treasurer.**

**How money transferred from State to county treasury.**

**Duties of State and county auditors.**

**How money received into or paid out of county treasury.**

**Who shall take from treasurer triplicate receipts and their dispositions.**

**Duty of county and state auditor.**

**Comptroller's duty.**

**Payment of public dues to be valid, when.**

SEC. 9. No money shall be received into, or paid out of the county treasury, or transferred to any person for disbursement, unless it be on the order of the county auditor, excepting that the money paid over by the county treasurer to the state treasurer shall be on the draft of the comptroller as hereinbefore provided; and in all cases of the payment of the canal tolls, rents upon school or ministerial lands, the purchase money for school lands, upon the surrender of leases or other public dues coming in any wise to the state, collected by any receiver on the canals, or public works of the state, or by any register or receiver of any school land office, or any other collector or receiver of the public money other than the state and county treasurers; it shall be the duty of such receiver, collector, register or other officer receiving the same, to take, on paying the same into the county or state treasury as hereinafter provided, triplicate receipts therefor, which shall specify the fund or funds to which the money so paid belongs, two of which shall be deposited with the county auditor of the proper county, or with the auditor of state, according as such officer may be required to pay such money into the county or state treasury. It shall be the duty of the county or state auditor, after making a record of the amount, fund and date, and names of the parties to such receipt, to transmit one of said receipts to the comptroller at Columbus, and the comptroller shall, at the close of each month, or at such time as shall be determined upon by the auditor of state and comptroller and treasurer of state acting conjointly, draw a draft in favor of the state treasurer, for the aggregate amount received by such officer. No payment of the public dues shall be valid to discharge the liability to the state, until the said receipts shall be so deposited with the county or state auditor, as the case may be.

Sec. 10. Every receiver on the canals or public works of the state, and every register or receiver of any school land office, and every other collector or receiver of the revenue of the state other than the state and county treasurers, shall, as often as may be required, pay into the nearest convenient county treasury, or the state treasury, as the comptroller shall direct, all moneys by him collected or received since making the last payment.

State revenue,  
by whom,  
when and  
where to be  
paid.

Sec. 11. An inspection and thorough examination shall be had of the state treasury, whenever deemed necessary, by a committee of the general assembly, or of either branch thereof, authorized by resolution for that purpose, or by a committee of persons, not members of the general assembly, appointed by resolution of the general assembly. And it shall be the duty of the governor, whenever the law or in his opinion the public interest require it, to appoint some competent and trustworthy accountant, of the highest ability and skill, who in connection with the secretary of state, shall immediately, without previous notice or intimation of such intended examination and inspection, proceed to make a thorough and complete examination of all the books, vouchers, accounts, records, bonds, securities, claims, assets, and effects, which are or should be in the treasury, and shall count all moneys in the treasury, and compare the books, vouchers, accounts, records, &c., with those of the auditor of state and comptroller of the treasury, all of which it is hereby made the duty of the said auditor and comptroller, to place at their disposal on demand. The treasurer of state shall, upon demand, submit to the inspection of such accountant, and the secretary of state, or to the committee of the general assembly or of either branch thereof, all his books, vouchers, accounts, records, and other papers, together with all vaults, safes, rooms or other apartments of his office. The treasurer, or any of his clerks, or the auditor or comptroller, may be sworn by any of the persons making the examination, either of whom is hereby authorized to administer oaths for that purpose. They shall answer all questions propounded by such examiners or either of them, touching the condition of the treasury, and such examiners, whether appointed by the general assembly or either branch thereof, or by the governor, are hereby empowered to compel the attendance of witnesses, send for persons and papers, and punish for contempt, in the same manner as courts of record. If on counting the money and making such examination there shall be found the full sum required by the accounts of the auditor of state and comptroller of the treasury, as well as the accounts, books, and legal vouchers of the treasurer of state, together with all other property, bonds, securities, claims, assets, and effects belonging to the state, and which should be in the custody and possession of the treasurer of state, the said

Examination  
of State trea-  
sury under au-  
thority of the  
general assem-  
bly, or either  
branch.

Examination  
by appointee  
of governor  
and secretary  
of State.

Duty of the  
comptroller,  
auditor and  
treasurer.

Powers of ex-  
aminers.

Duty of in-  
spector and  
secretary.

Their certificate.	<p>inspector and secretary of state shall certify the same over their official signatures, in writing, in triplicate, one of which certificates shall be recorded in the books of the treasury, and filed by the treasurer, and one shall be recorded and filed by the auditor of state, and one shall be furnished to the governor in the executive office, and be recorded and filed therein; and the accountant so appointed, on performing the duties herein required, shall be paid by the governor out of his contingent fund, for his services, such compensation, not exceeding at the rate of four dollars per day, together with his necessary traveling expenses, if any there should be, as the governor may deem just and reasonable; and every certificate, as herein provided, shall also contain a statement of the exact amount of money so found and counted in the treasury, and the exact amount belonging to each particular fund, together with a schedule of all the other property of the state as above described.</p>
Compensation of accountant.	
Quarterly examination of county treasuries.	<p>SEC. 12. An inspection and thorough examination of all the books, vouchers, accounts, moneys, bonds, securities and other property in the treasury of each and every county in this state, shall be made by the county auditor and county commissioners thereof, as often as once in every three months in every year, and it is hereby made a part of the official duties of the judge of probate of each county, as often as once in every six months, or oftener if the said judge shall deem it necessary, without notice to any other person, to appoint in writing, under the seal of said court, a competent and trusty accountant, who shall forthwith, without previous notice or intimation to the county treasurer, of such intended inspection and examination, enter the county treasury and proceed immediately to count the money therein, and inspect and examine the books, records and vouchers thereof; and if on counting and inspecting the same, there shall be found the full sum in money required by the accounts of the auditor, and the accounts and books, and legal vouchers of the treasurer, together with all other property, bonds, securities, claims, assets and effects, which should be in the custody and possession of the treasurer; the said inspector shall certify the same in writing, in triplicate, one copy of which certificate shall be recorded in the books of the treasury, and filed by the treasurer in his office, and one copy shall be recorded and filed by the auditor of the county, and one other copy thereof shall be duly reported to the said probate court, and be entered of record therein. And the accountant so appointed, on performing the duties herein required, shall be paid at the rate of three dollars per day for the time necessary to the performance of the same, out of the county treasury, on a warrant drawn by the county auditor, and approved by the certificate of said court, particularly specifying the duty performed. And every certificate as herein provided, shall also</p>
Semi-annual examination by appointee of probate judge.	
Inspector's certificate.	
Accountant's compensation	

contain a statement of the exact amount of money so found in and counted in the county treasury, and the exact amount belonging to each particular fund, together with all property, bonds, securities, assets and effects as aforesaid.

What the certificate to contain also.

Sec. 13. On and after the 4th day of July, 1858, all payments from the state treasury of twenty dollars and under, and after the 4th day of July, 1859, all payments of fifty dollars and under, and after the 4th day of July, 1860, all payments of one hundred dollars and under, and after the 4th day of July, 1861, all payments of two hundred dollars and under, and after the 4th day of July, 1862 all payments of three hundred dollars and under, and after the 4th day of July, 1863, all payments of four hundred dollars and under, and after the 4th day of July, 1864, all payments of five hundred dollars and under, and after the 4th day of July, 1865, all payments whatever, shall be made in specie. All payments made from the state treasury shall be held to be made by the treasurer of state.

What payments from State treasury to be in specie and when.

Payments from treasury to be held to be by treasurer.

Sec. 14. On and after the 4th day of July, 1858, all payments out of every county treasury of five dollars and under, and after the 4th day of July, 1859, all payments of ten dollars and under; and after the 4th day of July, 1860, all payments of twenty dollars and under; after the 4th day of July, 1861, all payments of thirty dollars and under; after the 4th day of July, 1862, all payments of fifty dollars and under; after the 4th day of July, 1863, all payments of one hundred dollars and under; after the 4th day of July, 1864, all payments of two hundred dollars and under; and after the 4th day of July, 1865, all payments whatever, shall be made in specie only.

What payments from county treasury to be in specie and when.

Sec. 15. That if any officer or other person charged with the collection, receipt, safe keeping, transfer or disbursement of the public money, or any part thereof, belonging to the state, or to any county, or township, or organized city or village in this state, shall convert to his own use, or to the use of any other person or persons, body corporate, association or party whatever, in any way whatever, or shall use by way of investment in any kind of security, stock, loan, property, land or merchandise, or in any other manner or form whatever, or shall loan, with or without interest, to any company, corporation, association or individual, or shall deposit with any company, corporation or individual, any portion of the public money, or any other funds, property, bonds, securities, assets or effects of any kind, received, controlled, or held by him for safe keeping, transfer or disbursement, or in any other way or manner, or for any other purpose; or if any person shall advise, aid, or in any manner participate in such act, every such act shall be deemed and held in law to be an embezzlement of so much of the said moneys or other property, as aforesaid, as shall be thus converted, used, invested, loaned,

What shall be held an embezzlement of public money.

Penalty.	<p>deposited or paid out as aforesaid; which is hereby declared to be a high crime and misdemeanor, and upon prosecution, trial by indictment and conviction thereof before any court of this state having competent jurisdiction, such officer or person or persons shall be sentenced to imprisonment in the penitentiary, and kept at hard labor for a term of not less than one year nor more than twenty-one years, according to the magnitude of the embezzlement, and, also, to a fine equal to double the amount of money or other property so embezzled as aforesaid, which fine shall operate as a judgment at law on all of the estate of the party so convicted and sentenced, and shall be enforced to collection by execution or other process, for the use only of the party or parties whose money or other funds, property, bonds or securities, assets or effects of any kind as aforesaid, has been so embezzled. And in all cases, such fine so operating as a judgment, shall only be released or entered as satisfied by the party in interest as aforesaid. Any failure or refusal to pay over or to produce, the public money or any part thereof, by any officer or other person, under this act, charged with the collection, receipt, transfer, disbursement or safe keeping of the public money or any part thereof, whether belonging to the state, or to any county, or township, or organized city, or incorporated village in this state, or any other public money whatever; or any failure to account to, or to make settlement with, any proper and legal authority, of the official accounts of such officer or person, shall be held and taken as prima facie evidence of such embezzlement. And upon the trial of any such officer or person, for embezzling public money under the provisions of this act, it shall be sufficient evidence for the purpose of showing a balance against such officer or person, to produce a transcript from the books of the auditor of state, or comptroller of the treasury, or the auditor of the county, or the records of the commissioners of the county; and the refusal of any such officer or person, whether in or out of office, to pay any draft, order or warrant which may be drawn upon him, by the proper officer, for any public money in his hands, no matter in what capacity the same may have been received or may be held by him, or any refusal, by any person or public officer named in this act, to pay over to his successor any public moneys, or securities promptly, on the legal requirement of any authorized officer of the state or county, shall be taken on the trial of any indictment against such officer or person for embezzlement, as prima facie evidence of such embezzlement.</p>
Who can release fine.	
Prima facie evidence of embezzlement.	
Sufficient evidence on trial to show balance against accused.	
Prima facie evidence of embezzlement.	
Penalty for paying out money contrary to secs. 13 and 14.	<p>Sec. 16. If the treasurer of state, or any county treasurer, shall pay out any public money in any other manner than is provided in sections thirteen and fourteen of this act, every such treasurer, upon conviction thereof before any court having cognizance of the same shall forfeit and pay,</p>

for every such offence, a fine of not less than twenty nor more than five hundred dollars, at the discretion of the court trying the same.

SEC. 17. This act shall take effect on and after the first day of July, 1858.

When act  
takes effect.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

#### AN ACT

Making appropriations for the payment of Interest on the Public Debt.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums be, and they are hereby appropriated from any moneys in the treasury belonging to the sinking fund:

For the payment of the semi-annual interest to become due on the foreign debt of the state, on the first day of July, 1858, and the first day of January, 1859; and the semi-annual interest on the domestic debt of the state, to become due on the first day of May, and the first day of November, 1858, the sum of eight hundred and fifty thousand dollars.

For interest on  
public debt.

For the payment of interest on school and trust funds, held by the state, one hundred and forty-five thousand dollars.

For interest on  
school and  
trust funds.

For the payment of the salaries of the transfer agent, and registrar, in the city of New York, expenses of the transfer agency, and fund commissioners, six thousand dollars.

Salaries and  
expenses.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

#### AN ACT

Supplementary to an act entitled an act to provide for the division of townships into election precincts, passed March 14, 1853.

Swan's R. S.  
999.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the county commissioners of any county in which any township may have been

Townships divided into election precincts may be re-changed into single precinct

Notice to vote on proposed change.

Same.

Order of consolidation.

Act repealed, 53 Laws. 50.

When act takes effect.

divided into two or more election precincts, in pursuance of the provisions of the act to which this is supplementary, upon the presentation to them of a petition, signed by not less than twelve legal voters of such township, praying that such township be re-changed, so as to constitute, as originally, a single precinct, to authorize a vote of the legal electors of said township, at the next succeeding township or state election, if such petition shall have been presented twenty days previous to the time of holding such election.

SEC. 2. It shall be the duty of the county commissioners to issue an order to the trustees of such township, at least fifteen days before the next succeeding township or state election next after the filing of such petition in the auditor's office of such county, notifying them of the pendency and prayer of such petition, and commanding them to give notice to the qualified electors of such township to vote for or against such proposed change.

SEC. 3. That the township trustees shall post up the notice provided for in the preceding section, in three conspicuous places in each election precinct in such township, at least ten days before such election, notifying the electors of such township to place upon their ballots the words, "consolidation—yes," or the words, "consolidation—no;" and if, at such election, a majority of all the ballots cast shall contain the words, "consolidation, yes," then it shall be the duty of the county commissioners, upon such vote being duly certified to them by said trustees, to make the proper order consolidating such township into a single election precinct.

SEC. 4. That the act entitled an act supplementary to an act entitled an act to provide for the division of townships into election precincts, passed April 3, 1856, be and the same is hereby repealed, and this act shall take effect from and after its passage.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 12, 1858.

#### AN ACT

Swan's R. S. 905, 906, 912. To amend the 16th, 17th, 18th and 32d sections of an act entitled an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money, passed and took effect April 13, A.D. 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the sixteenth section of an act entitled an act for the assessment and taxation of all property in this State,

and for levying taxes thereon according to its true value in money," passed April 13, 1852, be and it is hereby amended so as to read as follows: Sec. 16. That when any person shall commence any business in any county after the day preceding the second Monday of April in any year, the average value of whose personal property employed in such business shall not have been previously entered on the assessor's list for taxation in said county, such person shall report to the auditor of the county the probable average value of the personal property by him intended to be employed in such business until the day preceding the second Monday of April thereafter; and shall pay into the treasury of such county a sum which shall bear such proportion to the levy for all purposes, on the average, so employed, as the time from the day on which he shall commence such business, as aforesaid, to the day preceding the second Monday of April next succeeding, shall bear to one year. Provided, that if the person so listing his capital shall present a bona fide receipt from the treasurer of any county in this state, in which such capital had been previously listed and taxed for the amount of the taxes assessed, and by him paid on the same capital for the same year, then and in that case it shall be a receipt from paying taxes again on such capital.

Report by any person commencing business after the day preceding second Monday of April.

SEC. 2. That original section number seventeen of the act aforesaid, be amended so as to read as follows: Sec. 17. That when any person shall commence or engage in the business of dealing in stocks of any description, or in buying or shoving any kind of bills of exchange, checks, drafts, bank notes, promissory notes, or other kind of writing obligatory, as mentioned in the fifteenth section of this act, after the day preceding the second Monday in April, in any year, the average value of whose personal property intended to be employed in such business shall not have been previously entered on the assessor's list for taxation, in said county, such person shall report to the auditor of the county the probable average value of the personal property by him intended to be employed in such business until the day preceding the second Monday in April thereafter, and shall pay into the treasury of such county, a sum which shall bear the same proportion to the levy for all purposes, on the average value so employed, as the time from the day on which he shall commence or engage in such business, as aforesaid, to the day preceding the second Monday in April next succeeding shall bear to one year.

By bankers, brokers, &c.

SEC. 3. That the original section number eighteen of the act aforesaid, be so amended as to read as follows: Sec. 18. That if any person shall commence or engage in any business as aforesaid, and shall not, within one month thereafter, report to the county auditor, and make payment to the county treasurer, as before required, he shall forfeit and pay double the amount required to be paid by the two preceding

Penalty for commencing business without listing, &c.



sections, to be ascertained, as near as may be, by the testimony of witnesses, and recovered before any justice of the peace, or in the court of common pleas, by civil action, in the name of the county treasurer, for the use of the county, and process issued out of the court of common pleas, in such action, shall be directed to the proper officer, and may be served in any county in this state

Fees of assessors.

SEC. 4. That original section thirty-two of the act aforesaid be so amended as to read as follows: Sec. 32. Assessors in cities of the first class shall be paid out of the county treasury, two dollars and fifty cents per day, and all other assessors two dollars per day, for the time during which they shall be necessarily engaged in the performance of their duties; each assessor shall make out an account in detail, giving the date of each day in which he shall have been thus engaged, and shall verify the same by his oath; which the county auditor is hereby authorized to administer, and if the auditor shall be satisfied that such account is correct, he shall draw an order on the county treasurer for the amount thereof; but in no case shall such order be drawn until the assessor shall have filed with the auditor his list of assessments, accurately made out and added up the statements returned to him, and the books on which the original assessments were entered.

Secs. repealed.

SEC. 5. That original sections sixteen, seventeen, eighteen, and thirty-two of the act aforesaid, be and they are hereby repealed.

When act takes effect.

SEC. 6. This act shall take effect on its passage.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 12, 1858.

#### AN ACT

Concerning the Relation of Guardian and Ward.

Probate court to appoint guardians.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the probate court in each county of this state shall, when necessary, appoint guardians of minors resident in such county.

Guardian of the estate only.

SEC. 2. A guardian may be appointed to take charge only of the estate of a minor; and at the time of, or subsequently to the appointment of such guardian to any minor having neither father or mother, or whose father and mother

are both unsuitable persons to have the custody and tuition of such minor, or whose interests will, for any other cause in the opinion of the court, be promoted thereby, the court may also appoint a guardian to have the custody and provide for the maintenance and education of such minor; provided, however, that if the powers of the person appointed guardian be not limited by the order of appointment, the person so appointed shall be guardian both of the person and estate of the ward; and the court shall in every instance appoint a guardian both of the person and estate of the ward, unless the interests of the minor will, in the opinion of the court, be promoted by the appointment of separate guardians as hereinbefore prescribed.

Guardian of the person, etc.

Guardian of both person and estate, etc.

Sec. 3. No person who may have been, or shall be, an administrator on an estate, or executor of a last will and testament, shall be appointed a guardian of the person and estate, or of the estate only, of any minor who shall be interested in the estate administered upon, or who shall be entitled to any interest under or by virtue of such last will and testament; but an executor or administrator may be appointed a guardian of the person only of any minor.

Who ineligible as guardian of estate.

Sec. 4. Any male infant over the age of fourteen years, or a female infant over the age of twelve years, shall have the right to select a guardian; who, if a suitable person, shall be appointed; but if such minor shall fail to select a suitable person, an appointment may be made without reference to the wishes of such minor. A minor shall not, in any instance, have the right to select one person to be the guardian of his or her estate only, and another person to be guardian of his or her person only, unless the court having the power of appointment shall be of opinion that the interests of such minor will be promoted by the choice and appointment of such separate guardians, instead of one guardian both of the person and estate.

At what age minors may choose guardians. If they do not choose, court may appoint.

When minor may select separate guardians.

Sec. 5. When a guardian has been appointed for any minor before he or she shall have attained the age for making a selection as fixed in the last preceding section, the powers of such guardian shall continue until the ward shall arrive at the age of majority, unless such guardian be sooner removed for good cause, or such ward shall select another suitable guardian. After such selection is made and approved by the court, and the person so selected is duly appointed and qualified, the powers of the guardian previously appointed shall cease, and thereupon the final account of such guardian shall be filed and settled in the proper court.

How long powers of guardian appointed before age of choosing, continues.

When such guardian's powers cease; his settlement in court.

Sec. 6. Before any person shall be appointed guardian of the person and estate, or of the estate only, of any minor, he shall file in the office of the court having such appointment to make, a statement of the whole estate of said minor, and the probable value thereof, and also the probable annual

Statement before guardian is appointed.

- Bond of guardian of person and estate or of estate only. rents of such minor's real estate, and shall verify the same by affidavit, and shall give bond with freehold sureties, payable to the state of Ohio, in double the amount of the personal estate belonging to said minor, and also of the gross amount of rents that will be probably received by the guardian from the real estate of said minor during his or her minority; which bond shall be conditioned for the faithful discharge of the duties of said person as such guardian, and shall be approved by the court making such appointment; and such person shall also take an oath that he will faithfully and honestly discharge the duties devolving upon him as such guardian.
- His oath. SEC. 7. Before a person is appointed guardian to have the custody, maintenance and tuition of a minor, without the right to take charge of the estate of such minor, he shall give bond in double the probable expenses of maintaining and educating such minor during one year. In all other respects his bond shall be the same as if he had charge of the estate of his ward, and he shall take the same oath as is prescribed in section six.
- Bond of guardian of person, etc. SEC. 8. Exceptions may be filed in the proper court, by any person on behalf of any minor for whom a guardian has been or may be appointed, to the bond of such guardian, as to the sufficiency of the amount of the penalty thereof, or the sureties therein; whereupon notice shall be given to such guardian to appear before said court within a reasonable time, not exceeding ten days, and show cause against the allowance of the exceptions; and upon the hearing of such exceptions, the court may dismiss the same, or require such guardian to find additional sureties or security in a larger amount, or make such other order as the case may require.
- His oath. And it shall be the duty of the court by whom any guardian is appointed, to require, of its own motion, such guardian to give additional bond whenever, in the opinion of said court, the interests of the ward of such guardian shall demand the same.
- Exceptions to bond. SEC. 9. No bond executed by a guardian after this act shall take effect shall be void, or held invalid on account of any informality in the same, nor on account of any informality or illegality in the appointment of such guardian; but such bond shall have the same force and effect as if such appointment had been legally made and such bond executed in proper form.
- Proceedings thereon. SEC. 10. When the same person shall be appointed guardian of several minors, such person shall execute a separate bond as guardian for each of such minors.
- Additional bond. SEC. 11. Every person appointed guardian both of the person and estate of a minor, shall have the custody and tuition of his ward, and the management of such ward's estate during minority, unless sooner removed or discharged from such trust, or the guardianship shall sooner determine
- No bond invalid for informality.
- Guardian of several minors to give separate bonds.
- Powers of guardian of person and estate.

from any of the causes specified in this act; provided, that the father of such minor, or if there be no father, the mother, if suitable person respectively, shall have the custody of the person and the control of the education of such minor.

SEC. 12. The marriage of a ward, if a female, shall determine the guardianship as to the person, but not as to the estate of such ward.

SEC. 13. When a guardian has been appointed by will, by a father or mother of any child, such guardian shall be entitled to preference in appointments over all others, without reference to his place of residence, or the choice of such minor, but his appointment, duties, powers and liabilities shall in all other respects be governed by the law regulating guardians not appointed by will, except as otherwise provided in the act relating to wills, passed May 3, 1852.

SEC. 14. The following shall be the duties of every guardian of any minor who may be appointed to have the custody and take charge of the estate of such minor, to wit: First—to make out and file, within three months after his appointment, a full inventory, verified by oath, of the real and personal estate of his ward, with the value of the same, and the value of the yearly rent of the real estate; and failing so to do, it shall be the duty of the proper court to remove him and appoint a successor. Second—to manage the estate for the best interests of his ward. Third—to render on oath to the proper court an account of the receipts and expenditures of such guardian, verified by vouchers or proof, at least once in every two years; and failing so to do, he shall receive no allowance for services. Fourth—at the expiration of his trust, fully to account for and pay over to the proper person all of the estate of said ward remaining in his hands. Fifth—to pay all just debts due from such ward, out of the estate in his hands, and collect all debts due such ward; and in case of doubtful debts to compound the same; and appear for and defend, or cause to be defended, all suits against such ward. Sixth—when any ward has no father or mother, or having a father or mother, and such parent is unable or fails to educate such ward, it shall be the duty of his guardian to provide for him such education as the amount of his estate may justify. Seventh—to loan the money of his ward within a reasonable time after he receives it, and the payment of the money loaned shall be secured by a mortgage on real estate of double the value of the money loaned, exclusive of buildings or other improvements, timber and minerals in or upon such real estate, or upon the purchase or pledge of the certificates of the funded debt of this state; and he shall at each settlement, account for all the interest he may receive on the money so loaned; and if he fail to loan the money of his ward within such a reasonable time, he shall account on settlement for such money and interest thereon, calculated with annual rests. Eighth—to obey and perform all the

Proviso in favor of father or mother.

Effect of marriage of female ward.

Testamentary guardian to have preference, etc.

His duties, powers and liabilities.  
Swan's R. 8. 1034.

Duties of guardian of estate.

When he shall be removed.

Forfeiture of allowance for services.

Warda's money to be loaned, &c.

orders and judgments of the proper court touching the guardianship.

Duties of guardian of estate only.

SEC. 15. When a guardian is appointed to take charge only of the estate of a minor, his duties shall be the same as those specified in the fourteenth section of this act, except that he shall not be required to perform the sixth duty therein mentioned when a guardian of the person of such minor has been appointed.

Of the person, &c.

SEC. 16. When a guardian is appointed to have the custody, maintenance and education of a minor, his duties shall be as follows: First—to protect and control the person of his ward. Second—to provide a suitable maintenance for his ward, when necessary, which shall be paid out of the estate of such ward in the hands of the guardian of such estate, upon the order of the guardian of the person of such ward. Third—when such ward has no father or mother, or having a father or mother and such parent is unable or fails to maintain or educate such ward, it shall be the duty of the guardian so appointed to provide for him such maintenance and education as the amount of his estate may justify, which shall be paid out of the estate of such ward in the hands of the guardian of such estate, upon the order of the guardian of the person of such ward. Fourth—to obey and perform all the orders and judgments of the proper court touching the guardianship.

Guardian may be removed.

SEC. 17. The probate court may at any time remove such guardian, he having thirty days notice thereof, for habitual drunkenness, neglect of his duties, incompetency, fraudulent conduct, removal from the county, or any other cause which, in the opinion of such court, renders it for the interest of the ward that such guardian be removed; the removal from the state of any person who has been heretofore or who may be hereafter appointed guardian, shall of itself determine the guardianship of such person, and when any infant for whom a guardian has been or may be appointed in this state, shall remove to another state or to a territory, and a guardian of such infant shall be there appointed, upon the presentation of satisfactory evidence of such last mentioned appointment to the court in this state making the first named appointment, such court may remove the guardian in this state, and compel a settlement of the accounts of such guardian.

Removal from state—of guardian—of infant.

When and how surety on guardian's bond may be released.

SEC. 18. Any surety of a guardian may, at any time, apply to the proper probate court to be released from his bond with such guardian, by filing his request therefor with the judge of such court, and giving ten days notice to such guardian, when such court shall release such surety, and if such guardian fail to give new bond, as by such court directed, he shall be removed and his letter superceded, but such original surety shall not be released until such guardian so gives bonds, and such original surety shall be liable only for the acts of such guardian from the time of the execution of

Extent of his liability.

**SEC. 2.** In every case when the amount of taxes charged on the tax duplicate in the hands of any county treasurer, against the property of any person, shall be paid in installments as authorized by the preceding section, each of such payments shall be deemed to have been made on the several taxes for the different purposes so charged on such duplicate, and an equal pro rata portion of the whole amount of each of the taxes so charged, shall be carried to the credit of the same.

Taxes so paid to be credited pro rata to each of the taxes charged.

**SEC. 3.** It shall be the duty of the county auditor to set down the amount of taxes charged against each entry, in two separate columns, one-half thereof in each column with a sufficient blank space at the right of each column to write the word paid; and when payment of either half of such taxes shall be made, the treasurer shall write in the blank space opposite the same, the word paid.

Duty of county auditor.

**SEC. 4.** If any person charged with any tax on the tax duplicate in the hands of any county treasurer for collection, shall not pay one-half thereof on or before the twentieth day of December next, after the same shall have been charged on such duplicate, or shall not pay the remainder of such tax, on or before the twentieth day of June next thereafter, the county treasurer may charge such delinquent with five per centum on the sum so payable on or before each of said days, as a penalty for the non-payment thereof, and may collect said penalty for the use of the treasurer as a penalty for such collection, together with the tax charged to such delinquent, and which he shall have failed to pay as aforesaid, by distress or otherwise, in the manner prescribed by the nineteenth section of the act prescribing the duties of county treasurers, in all cases where the half of any tax other than taxes upon real estate, shall not be paid on or before the twentieth day of December, the whole of the taxes for the current year so charged shall be due and collected as in case of delinquent taxes.

Penalty, and how collected.

**SEC. 5.** Each county treasurer shall, on or before the first Monday of February in every year, settle with the auditor of his county, for all taxes collected on or before the twentieth day of December next preceding such settlement; and he shall also, on or before the first Monday of August next succeeding such February settlement, settle with the auditor of his county for the taxes charged on his duplicate not collected on or before the twentieth day of December previous, and settled for as hereinbefore provided.

Semi-annual settlements of treasurer with auditor.

**SEC. 6.** In making every such settlement, the county auditor shall carefully examine the tax duplicate, and ascertain from the entries thereon of taxes, penalties, and interest paid in whole or in part, and from such other sources of information as may be in his reach, the true amount collected by the county treasurer on account of each of the several taxes charged on such duplicate; and the amount remaining

Duties of county auditor in making settlements.

in the hands of such treasurer belonging to each, and shall give to such treasurer separate certificates of the several sums so due.

Duties of county treasurer.

SEC. 7. Each county treasurer shall, within ten days next after he shall have made the settlement with the county auditor, required by the fourth section of this act, present to the comptroller of the treasury the certificates of the county auditor, setting forth the sums or amounts which such county treasurer is, by law, required to pay into the state treasury, and also the certificate of the county auditor specifying the amount charged on the tax duplicate of the county for each of the several purposes for which taxes shall have been levied; and to the auditor of state a list of all taxes charged on such duplicate, which shall have become due and payable, but which remain unpaid, which shall be denominated the delinquent list.

Duties of comptroller.  
Manner of settlement with county treasurers.

SEC. 8. The comptroller of the treasury shall, on the receipt of the certificates, and other documents required by the preceding section, to be delivered or exhibited to him, proceed to settle with the county treasurer for the moneys in his hands that may be due the state, and to ascertain the exact sum or sums payable by him into the state treasury, and shall give him a certificate or certificates, specifying the sum or sums to be paid into the state treasury, and on what account the same is or are payable; and the county treasurer shall forthwith make full payment into the state treasury of the moneys so certified to be due, and take receipts therefor in the manner prescribed by law for the settlement of the accounts of county auditors and treasurers with the auditor and treasurer of state.

Duties of county treasurer further defined.

SEC. 9. Each county treasurer shall immediately after his semi-annual settlement with the auditor of his county, on the demand of the treasurer, or other proper officer, of each township, city or incorporated village in his county, and on the presentation of the warrant of the county auditor therefor, pay over to such treasurer or other proper officer, all moneys due to such township, city, or incorporated village, as stated in said settlement.

Duties of fund commissioners and comptroller in case of insufficiency of funds to pay interest on public debt.

SEC. 10. If at any time when the semi-annual interest on the foreign debt of the state is about to fall due, it shall be ascertained by the commissioners of the sinking fund, that the money under their control, applicable to the payment of such interest, will be insufficient for that purpose, they shall give written notice to the comptroller of the treasury of such deficiency and the amount thereof; and the comptroller of the treasury, on the requisition of the auditor of state, shall draw on the several county treasurers within the state, or on such of them making the largest collections, as he may deem necessary and most convenient, in favor of the treasurer of state, for such sums on each, not exceeding for any half year one-half the amount chargeable

on their respective duplicates for the use of the sinking fund, and such drafts, if paid, shall be evidence of the payment of so much money into the state treasury, and shall, on the delivery thereof to the comptroller of the treasury, be credited to the county treasurer in his settlement with said comptroller, and charged by the comptroller to the treasurer of state on account of moneys belonging to the sinking fund.

Sec. 11. The treasurer's office shall be kept open for the receipt of taxes from the time of the delivery of the duplicate to the treasurer until the final delinquent list is made up in August.

Time treasurer's office kept open for receipt of taxes.

Sec. 12. County treasurers hereafter elected shall take possession of their offices on the first Monday of September next after their election, and shall hold the same for two years from and after said first Monday of September, and until their successors are elected and qualified; and if any person elected to said office shall fail to give bond and take an oath of office, as prescribed by law, on or before the first Monday of September next after his election, his office shall be held to be vacant.

When county treasurers shall take possession of their office.

Sec. 13. If one-half of any tax charged against any lands or town lots, shall not be paid on or before the twentieth day of December in each year, or collected by distress or otherwise, as hereinbefore specified, the same shall be charged on the duplicate with thirty per cent. penalty, and interest, and with said penalty and interest, shall be payable on or before the twentieth day of June next succeeding; and if not then paid, together with the one-half of said original tax due on or before said twentieth day of June, the same penalty and interest shall be charged on said last half of such tax, and the whole together shall constitute the delinquent tax on such lands or town lots, to be dealt with and collected in the manner prescribed by law. And if such delinquent taxes and penalty, together with the one-half of the taxes charged on such real estate for the current year, shall not be paid on or before the twentieth day of December in each year, the said delinquent taxes and the whole of the taxes for the current year shall be due and shall be collected by the sale of such real estate in the manner prescribed by law, and in case the first half of any such tax shall be paid on or before the twentieth day of December as herein provided, but the last half thereof falling due on or before the twentieth day of June in any year shall not be paid on or before said last named day, then and in that case the same penalty shall attach to said unpaid half of such tax, and the same shall be treated as delinquent tax as herein provided.

Manner of charging and collecting delinquent taxes

Sec. 14. The auditor shall annually, during the month of August, make out and record in a book to be provided for that purpose, a list of all lands and town lots returned delin-

Duties of county auditor relating to delinquent taxes.



quent by the treasurer at the preceding settlements, describing said lands and town lots in said list, as the same are described on the tax duplicate and charging thereon the taxes delinquent for the year next preceding, with the interest and penalty, as provided in the preceding sections of this act, also the taxes of the current year, and shall certify the correctness thereof, the date at which the same was recorded, and sign the same officially.

Delivering of  
duplicate to  
treasurer.

SEC. 15. The county auditor shall, annually, on or before the first day of October, deliver to the county treasurer the duplicate of taxes now required by law to be made out.

SEC. 16. Nothing in this act contained shall prevent the sale of land for taxes heretofore delinquent, on the second Monday of January, 1859, agreeably to the laws now in force prescribing the duties of county auditors.

Sections of act  
repealed.

SEC. 17. Section twenty-nine of the act prescribing the duties of county auditors; sections three and twenty-three of the act prescribing the duties of county treasurers, passed March 12, 1831; sections two, three and five, of the act to amend the aforesaid act, passed January 3, 1846; and section one of the act relating to the duties of county treasurers, passed March 2, 1846, are hereby repealed.

SEC. 18. This act shall take effect and be in force from and after the first day of September next.

WILLIAM B. WOODS,

*Speaker of the House of Representatives*

MARTIN WELKER,

*President of the Senate*

April 12, 1858.

#### AN ACT

To provide for the election of an additional Judge of the Court of Common Pleas for the Second Sub division of the Seventh Judicial District.

Additional  
judge in  
second sub-divi-  
sion of seventh  
judicial dis-  
trict.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the seventh judicial district there shall be one additional judge of the court of common pleas who shall be a resident of the second sub-division of said district, being the counties of Jackson, Vinton, Pike, Scioto and Lawrence; and be elected by the qualified voters of said counties at the next annual election for state and county officers in the same manner and for the same time as is prescribed by law for the election of other judges of said court of common pleas, and shall be entitled to receive the same salary and when so elected and qualified, shall have, in all respects, the same

jurisdiction, possess the same power and discharge the same duties, as are conferred or enjoined by the constitution and laws of the state upon other judges of said court, and any vacancy that may occur in the office of such additional judge, whether by expiration of his term of service or otherwise, shall be filled as in other cases.

WILLIAM B. WOODS,  
Speaker of the House of Representatives,  
MARTIN WELKER,  
President of the Senate.

April 12, 1858.

#### AN ACT

To amend the seventh section of the act entitled "An act to establish an asylum for the Education of Idiotic and Imbecile Youth," passed April 17, 1857.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section seven of the act entitled "An act to establish an asylum for the education of idiotic and imbecile youth," passed April 17, 1857, be amended so as to read as follows: Sec. 7. No youth shall be admitted into said asylum, to be maintained and educated therein at the expense of the state, who are over fifteen years of age, or who are capable of receiving instruction at common schools; but paying pupils of any age may be admitted in the discretion of the board.

Who shall not  
be admitted  
into asylum.

SEC. 2. That original section seven of the above named act be, and the same is hereby repealed.

Sec. repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,  
Speaker of the House of Representatives,  
MARTIN WELKER,  
President of the Senate.

April 12, 1858.

#### AN ACT

To amend an act entitled "An act to amend an act entitled an act to regulate the mode of petitioning the Legislature in certain cases," passed March 12, 1844.

Swan's R. 3  
609.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all cases where petitions, memorials or remonstrances shall be presented to any future legislature, for or against the erection of any new county, or for the loca-

Petitions rela-  
ting to new  
counties and  
county seats.

tion or re-location of any county seat, the petitioners shall be twenty-one years of age, and resident tax-payers or voters within the several townships where they may reside, and the petitions shall set forth the name of the township and county where the petitioners reside, and that his or their residence is within or out of the bounds of the proposed new county, as the case may be; and all the foregoing requisitions shall be proven by the certificate of a township clerk, or by the oath or affirmation of some respectable freeholder or voter, certified by some person authorized to administer oaths; and said certificate, oath or affirmation, shall specify on said petition, memorial or remonstrance, in a legibly written hand, the number of signers there were to said paper at the time of certifying the same.

Sec. repealed.

When act  
takes effect.

Sec. 2. That section one of the act to which this is an amendment, be and the same is hereby repealed. This act to take effect and be in force from and after its passage.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 12, 1858.

#### AN ACT

Swan's R. S.  
912.

To amend an act passed April 13, 1852, entitled "An act for the Assessment and Taxation of all property in this State, and for levying Taxes thereon according to its true value in money."

Counties to be  
divided into  
districts.

Districts in  
cities to con-  
sist of what.

Notice of  
boundaries of  
districts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the thirty-third section of an act passed April 13, 1852, entitled an act for the assessment and taxation of all property in this state and for levying taxes thereon according to its true value in money, be so amended as to read as follows: Sec. 33. The county commissioners of each county in this state, shall at their June session, in the year one thousand eight hundred and fifty-eight, and every sixth year thereafter, divide their county into as many districts as there are townships in said county, and any county within the limits of which there is a city, the commissioners shall divide said city into districts comprising within each, not less than one ward or more than five, and no township or ward shall be divided in making such district wards, which wards shall be contiguous, and the commissioners shall give notice by publication in some newspaper in the county, and if no newspaper is published in the county, then by public notice set up in each township and ward, at the usual place

of holding elections, setting forth the boundaries of districts in cities, and the qualified electors of such districts shall, at the October election in the year eighteen hundred and fifty-eight, and every sixth year thereafter elect some citizen of such district, having the qualifications of an elector, as assessor of real property within such district; the judges of election shall keep a separate poll book for the election of said assessors, and the returns thereof, duly certified as in other cases, shall be made to the county auditor, who, with the clerk of the court of common pleas, and probate judge of the county, shall open the same and declare the result, and the auditor shall, within ten days after opening such returns, give notice to each of the persons elected, of his election.

Election of assessor.

SEC. 2. The thirty-third section of said act is hereby repealed, and this act shall be in force from and after its passage.

Sec. repealed  
—when act  
takes effect.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

#### AN ACT

To authorize the election of one additional Judge of the Court of Common Pleas in the Second Sub-division of the Fifth Judicial District.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the fifth judicial district of the state of Ohio, there shall be elected one additional judge of the court of common pleas, who shall be a resident of the second sub-division of said district, being composed of the counties of Highland, Ross and Fayette; and to be elected by the qualified electors of said counties at the next annual election for state and county officers, in the same manner and for the same term as is prescribed by law for the election of other judges of the court of common pleas, and shall be entitled to receive the same salary, and when so elected and qualified, shall have, in all respects, the same powers and discharge the same duties, as are conferred or enjoined by the constitution and laws of the state of Ohio, upon other judges of said courts, and any vacancy that may occur in the office of such additional judge, whether by the expiration of his term of service or otherwise, shall be filled as in other cases.

Additional  
judge in fifth  
district to be  
elected.

His term and  
salary.

Powers and  
duties.

Vacancy, how  
filled.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## AN ACT

Swan's R. S. To amend "An act to provide for the organization of Cities and Incorporated Villages," passed May 2, 1852.

In what cities auditor, engineer and solicitor or to have seats in city council.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cities containing over one hundred thousand inhabitants, the city auditor, the city civil engineer, and the city solicitor shall have seats in the council of such city, and be entitled to take part in its proceedings and deliberations on all questions relating to their respective departments, subject to such rules as council may from time to time prescribe, but without the right to vote. Said officers may be compelled to attend meetings of the city council in the same manner as the trustees are.

When act takes effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## AN ACT

Amendatory and supplementary to an act passed April 5, 1856, entitled "An act to amend an act entitled an act to provide for the organization of Cities and Incorporated Villages," passed May 3, 1852, and the several acts amendatory thereof and supplementary to said acts.

City engineer and superintendent of markets—their appointment and compensation.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seven of the act to which this act is amendatory and supplementary, be so amended as to read as follows: Sec. 7. The city civil engineer and the superintendent of markets shall be appointed by the city council, and shall receive respectively such compensation for their services as the city council may allow.

Special assessment for sewers or drains.

SEC. 2. The city council, in cities referred to in the first section of the act to which this act is amendatory and supplementary, shall have power to construct sewers or drains, by special assessment; and it shall be lawful for such city council to assess the expense of such work upon the feet front, or according to the valuation or according to benefits.

Plans and estimates.

Previous to constructing any sewer or drains by special assessment, the board of city improvements shall submit a plan or plans, and estimates, of the expense of constructing or repairing the same, and also an assessment of the

expense so estimated therefor, upon the property abutting on the street or streets through which said sewer shall be built, and upon the property abutting on the street or streets benefitted thereby, according to the feet front, or according to the valuation, or according to benefits, as the council shall deem most equitable in each particular case; and if said city council shall determine to defray the expense of such work by an assessment according to benefits, the estimated expense of such work shall be assessed on such real estate as will be directly benefitted thereby, whether fronting on the public ground or highway in which the improvement or repair is made or not, in proportion, as nearly as may be, to the benefits which may result to such parcel or lot of land; and before the city council shall adopt such assessment, three weeks notice shall be given, by publishing in the official newspaper of the city, that such assessment has been made. Any person having objections to such assessment shall file their objections, in writing, with the city clerk, within two weeks after the expiration of said notice; and if objections shall be made to any assessments according to benefits, the city council shall appoint three disinterested freeholders of the city, as an equalizing board, and, on a day appointed by the city council for that purpose, the said board, after taking oath before the mayor or other proper officer, shall hear and determine all objections to the assessment, and shall equalize the same as they shall think proper. The city council shall have power to confirm the same, or set the same aside, and cause a new assessment, or appoint a new equalizing board, of the same qualifications, and when such assessment is confirmed, the work shall proceed. The assessment shall be transferable and collectable against the owners personally, or by an enforcement of the lien upon the property assessed; and such proceedings shall be had for the collection and enforcement of said assessment, as in other cases of street improvement by special assessment. A concurrence of two-thirds of the members of the city council shall be necessary in appointing such equalizing board, confirming such assessment, and ordering such work to be done, for which such assessment shall have been made, unless the owners of two-thirds of the property to be charged shall petition therefor.

Notice of assessment.

Objections.

Equalizing board.

Who may collect assessment, and how

SEC. 3. That section seven of the act to which this act is amendatory and supplementary, be and the same is hereby repealed. Sec. repealed

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## AN ACT

To amend the act entitled an act to regulate the sale of school lands, and the surrender of permanent leases thereto, passed April 16th, 1852.

Swan's R. S.  
824.

County audi-  
tor to report  
sales to audi-  
tor of state.

Interest appor-  
tioned.

Sec. repealed.

When act  
takes effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the fourteenth section of said act be amended so as to read as follows: Sec. 14. The county auditor shall keep an account with the county treasurer of all sales made and leases surrendered, and moneys paid thereon by each purchaser or lessee, and shall make a report of the same to the auditor of state on the first day of February, May, August and November, in each and every year, which report shall distinguish between the amount paid in as principal, and the amount paid in as interest, and from the time of such report the state shall be liable to pay interest on all such sums of principal so reported as paid, and the treasurer of state, on receiving a certified copy of the account from the auditor of state, shall be authorized immediately to draw said money paid in as principal, from the county treasurer; and the amount so reported as interest shall be retained in the county treasury and apportioned to the several civil townships and parts of civil townships in the original surveyed township, or fractional township to which said land belongs.

SEC. 2. The original section fourteen of said act is hereby repealed.

SEC. 3. This act to take effect from and after its passage.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 12, 1858.

## AN ACT

To amend section one of the act passed February 26, 1840, entitled an act to provide for the collection of claims against steamboats and other water crafts, and authorizing proceedings against the same by name.

Swan's R. S.  
185.

For what and  
on whose ac-  
count steam-  
boats and  
other water  
craft liable.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the act passed February 26, 1840, entitled "an act to provide for the collection of claims against steamboats and other water craft, and authorizing proceedings against the same by name," be so amended as to read as follows: Sec. 1. That steamboats, and other water crafts, navigating the waters within, or bordering upon this state, shall be liable, and such liability shall be a lien thereon, for debts contracted on account thereof, by the master, owner, steward, consignee, or other agent for materials, supplies or labor in the building, repairing, furnishing,

insuring, or equipping the same, or due for wharfage; and also for damages arising out of any contract for the transportation of goods or persons, or for injuries done to persons or property by such craft; or for any damage or injury done by the captain, mate, or other officer thereof, or by any person under the order or sanction of either of them to any person who may be a passenger or hand on such steamboat or other water craft, at the time of the infliction of such damage or injury; Provided that the lien by this section created shall only attach to vessels of twenty tons burthen and upwards, enrolled and licensed for the coasting trade according to the act of congress.

To what vessels lien attaches.

SEC. 2. That section one of the act to which this is amendatory be and the same is hereby repealed. Sec. repealed.

SEC. 3. This act to take effect from and after its passage. When act takes effect.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

#### AN ACT

To amend "an act entitled an act to provide for the uniform government and better regulation of the Lunatic Asylums of the State, and the care of Idiots and the Insane," passed April 7, 1856.

Lunatic Asylums.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the fortieth section of an act entitled "an act to provide for the uniform government and better regulation of the lunatic asylums of the state and the care of idiots and the insane," passed April 7, 1856, be so amended as to read as follows: Sec. 40. The taxable costs and expenses to be paid under the provisions of this act, shall be as follows: To the probate judge with whom the affidavit is filed, the sum of two dollars for holding an inquest under the provisions of this act; for each warrant, certificate or subpoena he may necessarily issue, the same fees as are or may be allowed by law to the clerk of the court of common pleas for similar services, and the amount of postage on all communications to and from the superintendent, which the said judge may be required to pay; to the medical witness who shall make out the certificate required in the seventeenth section of the act to which this is an amendment, two dollars and witness fees, such as are allowed by law in other cases; to the witnesses and constables the same fees as are allowed by law for like services in other cases; to each person em-

54 Laws, 90.

Costs and expenses.



ployed by the probate judge to commit a lunatic to the county infirmary, seventy-five cents per day; to the superintendent of the county infirmary or jailor, for keeping an idiot or insane person, thirty-five cents per day; to the sheriff or other person than an assistant, for taking an insane person to the asylum or removing one therefrom upon the warrant of the probate judge, mileage at the rate of ten cents per mile going and returning, and seventy-five cents per day for the support of each patient, on his journey to or from the asylum, and to each assistant five cents per mile and nothing more; the number of miles to be computed in all cases by the nearest route travelled; and costs specified in this section to be paid out of the county treasury, upon the certificate of the probate judge and the order of the county auditor.

**Sec. repealed.**

SEC. 2. The original section 40 of the act to which this is an amendment, is hereby repealed, and this act shall take effect from and after its passage.

WILLIAM B WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

#### AN ACT

**Swan's R. S.  
137.**

Amendatory to an act entitled "an act to abolish the office of commissioner of the state land office at Defiance, to provide for the sale of lands to actual settlers at said office, and to create the office of land agent," passed May 1, 1854.

**Office of land  
agent at Defi-  
ance abolish-  
ed.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the office of land agent at Defiance, as created by the provisions of the act entitled "an act to abolish the office of commissioner of the state land office at Defiance, to provide for the sale of lands to actual settlers, at said office, and to create the office of land agent," passed May 1st, 1854, be and the same is hereby abolished, and the auditor of state is hereby authorized and directed to perform all the duties devolved on said land agent by the act to which this is amendatory.

**Auditor of  
state to per-  
form duties of  
said agent.**

**Agent to re-  
port and de-  
liver books,  
papers, &c., to  
auditor.**

SEC. 2. That said land agent is hereby required and directed to make report to the auditor of state, within thirty days from the passage of this act, of all sales by him made since he has held said office, and he shall at the same time deliver to said auditor, all books, papers, records, and documents, of whatever kind, pertaining to said office, to be by said auditor carefully preserved in his office at Columbus.

**SEC. 3.** That the governor be and he is hereby authorized **Governor to**  
and required to execute and deliver deeds to the holders of **make deeds.**  
certificates of purchase issued for any lands by the several  
state land offices, at Defiance, under the several acts re-  
quiring the valuation and sale of the lands belonging to the  
state of Ohio, upon presentation of such certificates and ap-  
plication therefor.

**SEC. 4.** Sections one, two, and three, of the act to which **Sec. repealed.**  
this is amendatory, be and the same are hereby repealed,  
and this act shall take effect and be in force from and after  
its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

#### AN ACT

To create one additional Judge of the Court of Common Pleas in the Fourth  
Judicial District of Ohio.

**SECTION 1.** *Be it enacted by the General Assembly of the State*  
*of Ohio,* That there shall be one additional judge of the **Additional**  
court of common pleas in and for the fourth judicial district **judge in 4th**  
of Ohio, who shall be a resident of the second subdivision **district.**  
of said district, composed of the counties of Lorain, Medina  
and Summit; said judge shall be elected by the qualified  
electors of the counties aforesaid, at the next annual election  
for state and county officers, in the same manner and for **His election,**  
the same term of office as is prescribed by the constitution **term of office,**  
and laws of Ohio for the election and service of other **salary, powers**  
judges of said court, and said judge, when elected and quali- **and duties.**  
fied, shall receive the same compensation as other judges of  
the court aforesaid, and he shall also, in every respect, have  
the same jurisdiction, possess the same powers, discharge  
the same duties, and incur the same penalties as are now or  
may hereafter be conferred or enjoined by the constitution  
and laws of Ohio upon other judges of said court of com-  
mon pleas.

**SEC. 2.** When a vacancy shall occur in the office of **Vacancy.**  
said additional judge, whether by the expiration of his term  
of office or otherwise, such vacancy shall be filled as in  
other cases.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## AN ACT

To annex Lucas county to the First Sub division of the Fourth Judicial District of Ohio, and to provide for the election of judges in First Sub-division of the Fourth Judicial District, and the Second Sub division of the Tenth Judicial District.

Lucas county.	SECTION 1. <i>Be it enacted by the General Assembly of the State of Ohio</i> , That the county of Lucas is hereby attached to the first sub-division of the fourth judicial district.
First sub-division.	SEC. 2. That the county of Seneca shall constitute the first sub division.
Second sub-division.	And the counties of Wyandot and Crawford shall constitute the second sub-division.
Third sub-division.	And the counties of Wood, Hancock and Putnam shall constitute the third sub-division of the tenth judicial district.
In what and till when act suspended.	SEC. 3. That until the second Tuesday of February next, the judges of the court of common pleas now in office in any district in this state, shall hold their several terms of court of common pleas and district courts, the same as if this act had not passed.
Additional judges.	SEC. 4. That for the first sub-division of the fourth judicial district, and the second sub-division of the tenth judicial district, there shall be elected one additional judge of the court of common pleas for each of the said sub-divisions, who shall be residents of the sub-division for which they are elected; and they shall be elected by the qualified electors of said sub-divisions, at the next annual election for state and county officers, in the same manner and for the same term as is prescribed by law for the election of other judges of the court of common pleas; and shall be entitled to receive the same salary, and when so elected and qualified, shall have, in all respects the same powers, and discharge the same duties, as are conferred and enjoined by the constitution and laws of the state of Ohio upon other judges of said courts; and any vacancy that may occur in the office of such additional judges, whether by the expiration of their terms of service or otherwise, shall be filled as in other cases.
Their election and terms of office.	SEC. 5. This act shall take effect on and after its passage.
Salary.	
Powers and duties.	
Vacancy.	

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## AN ACT

To create a sinking fund for the payment of the principal and interest of the public debt of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be and hereby is created a sinking fund, for the payment of the accruing interest of the public debt of this state, and the principal of the same, which shall be styled "the sinking fund of the state of Ohio," and shall be faithfully applied to the payment of the principal and interest of the public debt, by the "commissioners of the sinking fund," agreeable to the provisions of article eight, section seven of the constitution of the state of Ohio, and the act to define the powers and prescribe the duties of the board of commissioners of the sinking fund, and of this act.

Sinking fund created.

SEC. 2. The said sinking fund shall consist of the net annual income of the public works, and of all the stocks owned by the state, the proceeds of sales of canal, school and ministerial lands, the principal and proceeds of the surplus revenue loaned to counties, the proceeds of sales of any or all the shares of stock held by this state in any railroad company, canal company, or turnpike company, and also the proceeds of the sales of any part of, or all the public works of this state, whenever the same may be sold, and of such further sum, to be raised by taxation, as may be required for the purpose aforesaid.

Of what it shall consist.

SEC. 3. Of the moneys paid into the state treasury to the credit of the sinking fund, the auditor of state shall annually set apart, as a specific fund for the payment of the principal of the public debt of the state, according to the requirements of article eighth, section seven, of the constitution of the state of Ohio, an amount equal to the sum of one hundred thousand dollars in the year eighteen hundred and fifty-three, to be increased yearly and each and every year thereafter, by compounding at the rate of six per cent. per annum until the whole re-imbursable debt of the state shall be fully paid; which fund, so set apart, shall be applied as may be provided by law, to the payment of the principal of said debt, but shall not be applied to any other use or purpose whatever.

How much to be applied to principal of public debt.

SEC. 4. The amount set apart under the provisions of the preceding section of this act, together with all other moneys applicable to that object, shall be applied by the commissioners of the sinking fund to the payment of the public funded debt of this state, and to no other use or purpose whatever; and all bonds or certificates of the public funded debt so paid, shall be canceled, and conspicuously written on the face thereof, "paid," with the date of such payment and undersigned by the commissioners of the sinking fund, and shall also be taken from the proper accounts upon the individual and general stock ledgers, and entered in account of "public debt paid," specifying the particular

Same.

Cancellation of bonds, &c.

Accounts thereof

Where filed.

Duties of auditor and treasurer of state as to sinking fund.

Deficiency in sinking fund, provided for.

Acts repealed. Swan's R. S. 177, 178.

53 Laws, 210.

54 Laws, 101.

Saving proviso

stock or loan, the number and date of the certificate so paid, the amount, rate of interest, time at which it was made redeemable, and in whose name standing when paid; and all such certificates so paid, and canceled, shall be duly filed in the office of said commissioners.

SEC. 5. It is hereby made the special duty of the auditor of state and the treasurer of state, to keep, at all times, and under all circumstances, the moneys belonging to the sinking fund inviolate, and to have special care that no money belonging to the sinking fund be used, transferred, or applied, at any time, or under any circumstances, to any other purpose than the payment of the principal and interest of the public funded debt of this state, and if from any cause at any time, the sinking fund shall not be equal in the amount of money in the treasury to the requirements of the constitution and laws of the state, and the payment of the principal and interest of the public funded debt of the state, as so required for any ensuing year, the said auditor of state is required to cause such an amount to be raised as may be adequate thereto, either by a sufficient increase of the state tax applicable to that subject, being placed upon the tax duplicate, or by a sale of property owned by the state; such sale to be first authorized by law, or by joint resolution of the general assembly, enabling the commissioners of the sinking fund to effect the sale of any part, or all of the stocks or bonds held by the state.

SEC. 6. That an act entitled "An act to create a sinking fund, for the payment of the principal and interest of the public debt of Ohio," passed March 14, 1853, and an act passed May 1, 1854, entitled "An act supplementary to, and amendatory of an act to create a sinking fund for the payment of the principal and interest of the public debt of Ohio," passed March 14, 1853, and to repeal certain sections of said act, and to amend the eighth section of the act entitled "An act to define the duties of the commissioners of the sinking fund," passed April 19, 1852, and section three of an act making appropriations for the year one thousand eight hundred and fifty-six; also an act entitled "An act in addition to the act to create a sinking fund for the payment of the principal and interest of the public debt, and all acts amendatory thereof," passed April 11, 1857, be and the same are hereby repealed; provided, that the repeal of said acts shall not affect any liability, civil or criminal, growing out of or arising under said acts, or either of them, or the prosecution of them to conviction or final judgment, agreeably to the law heretofore existing.

SEC. 7. This act shall take effect and be in force on and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## AN ACT

Authorizing a temporary loan of \$700,000.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of the sinking fund be and they are hereby authorized to borrow upon the faith and credit of the state of Ohio, at a rate of interest not exceeding six per centum per annum, such sum of money not exceeding seven hundred thousand dollars, as may be necessary to pay appropriations made by this general assembly; said loan to be repaid at such time and times, on or before the first day of March, 1861, and in such installments as the tax hereinafter levied may enable said commissioners to meet.

Loan authorized.

Limitations.

When to be paid.

SEC. 2. That said commissioners be and they are hereby authorized to issue transferable certificates of indebtedness for the amount so borrowed, in sums of not less than one thousand dollars each, payable at the times agreed upon, as aforesaid, either at the treasury in the city of Columbus, or at the agency of the state in the city of New York, as may be for the advantage of the state, which certificates shall bear interest payable semi-annually, on the first day of January and the first day of July in each year.

The issue of certificates authorized for loan, &c.

Where payable and what interest to bear, &c.

SEC. 3. That for the purpose of raising the money necessary to repay the amount borrowed under the provisions of this act, and the interest thereon, there be and is hereby levied a tax of seven-twentieths of one mill on the dollar, of the taxable valuation of property on the grand duplicate of the state, for each of the years 1858, 1859 and 1860, the proceeds of which tax is hereby irrevocably pledged to the purpose aforesaid.

Tax for repayment of loan.

SEC. 4. This act shall take effect on its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## AN ACT

To amend the 313th and 314th sections of the Code of Civil Procedure.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the 313th section of the act entitled an act to establish a code of civil procedure, be so amended as to read as follows: Sec. 313. No party shall be allowed to testify by virtue of the provisions of section three hundred and ten, when the adverse party is the executor or administrator of a deceased person, or the guardian of the child or children of a deceased person, when the facts to be proved transpired before the death of such deceased persons, except in cases where the claim or defence is founded on a book

Swan's R. S. 663.

Limitation on section 310 of code.

Exception as to book acts.

Requisites of notice when a deposition of a party is to be taken.

Proviso as to deposition of a party who dies before trial.

Who are incompetent to testify.

In what actions wife may testify, or husband,

Act applies to pending suits.

Secs. repealed.

account, then the party shall be permitted to testify that the entries are in his handwriting, that the book containing the same is his book of original entries, and if the original entries in said book of accounts have been made by a person who, at the time of such trial is deceased, or a disinterested person who is a non-resident of the state, on proof of such decease or non-residence, and that said entries are in the handwriting of such person, or such proof by the party as hereinbefore provided, then it shall be competent to admit said book of original entries as evidence, the weight to be given to such evidence, in either case, however, being left to the court or jury to determine. The deposition of a party shall not be used in his own behalf, unless the legal notice required in the cases where depositions are to be taken shall also specify that the deposition to be taken is that of the party; provided, that if the deposition of a party be taken in any pending suit, and such party shall die before the trial thereof, it shall be lawful for the opposite party to testify as to all matters contained in said deposition, if the same be offered in evidence.

Sec. 2. That the 314th section of said act be so amended as to read as follows: Sec. 314. The following persons shall be incompetent to testify:

1st. Persons who are of unsound mind at the time of their production for examination.

2d. Children under ten years of age, who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly.

3d. Husband and wife, for or against each other or concerning any communication made by one to the other, during the marriage, whether called as a witness while that relation subsisted, or afterwards, except in actions where the wife, were she a feme sole, would be plaintiff or defendant; in which action the wife may testify. Either the husband or wife may testify, but not both.

4th. An attorney, concerning any communication made to him by his client, in that relation, or his advice thereon, without the client's consent.

5th. A clergyman or priest, concerning any confession made to him in his professional character, in the course of discipline enjoined by the church to which he belongs, without the consent of the person making the confession.

Sec. 3. This act to take effect from and after its passage, and shall apply to all actions now pending in any of the courts of this state; and section 313, as amended by the act of April 11th, 1856, and original section 314, be and the same are hereby repealed.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKLE,  
*President of the Senate.*

April 12, 1858.

## AN AOT

To relieve the District Courts and to give greater efficiency to the Judicial System of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a second trial may be demanded and had in any civil action which has been heretofore or may be hereafter instituted in any court of common pleas in this state in which said court has original jurisdiction and in which either party has the right by law to demand a trial by jury and in which an issue of fact has been joined between the parties or any two of them by their pleadings in the action, and after a judgment or final order has been or may be rendered upon the terms and in the manner hereinafter provided, and new trials may be granted in such actions after such second trial thereof upon the grounds and in the manner provided for the granting of new trials by the code of civil procedure.

In what civil actions a second trial may be had.

New trials after second trial

SEC. 2. Any person desirous of such second trial, as provided for in the preceding section, shall, at the term of the court at which judgment was rendered, enter on the records of the court notice of his intention to demand such second trial. And in case of such demand for such second trial, the party, at whose instance the demand is made, shall enter into an undertaking with security to the satisfaction of the clerk of the court, payable to the adverse party, in such sum as may be fixed by the court, and conditioned to the effect that the party obtaining such second trial, shall abide and perform the order and judgment of the court, and pay all moneys, costs and damages which may be required of, or awarded against him, consequent upon such second trial.

Notice of intention to demand second trial.

Undertaking--its amount and conditions.

§ 59-93

SEC. 3. That there shall be made out and kept in the court of common pleas, a second trial docket, in which shall be entered in their order, all causes in which the right to second trials shall have been perfected as herein provided, which docket shall be called and the causes thereon tried and disposed of under such standing rules as the several judges of the court of common pleas of the district, or a majority of them, shall establish.

The second trial docket.

SEC. 4. In all causes pending in the court of common pleas, or either of the superior courts in this state, either party shall have the right to except to the opinion of the court on a motion to direct a non suit, to arrest the testimony from the jury, and also, in all cases of motion for a new trial by reason of any supposed misdirection of the court to the jury, or by reason that the verdict, or in case the jury be waived that the finding of the court, may be supposed to be against law or evidence, so that said case may be removed by petition in error, and when a party to a suit in either of the aforesaid courts alleges an exception to the opinion or order, or judgment of such court, it shall be the duty of the judge or judges of such court, concurring in such judg-

Rules in regard to trials of cases thereon.

Bills of exception.



ment, opinion or order, if required by such party during the progress of the case, to sign and seal a bill containing such exception or exceptions, before the case proceeds; or, if the party consents the signing and sealing of such bill of exceptions may be suspended until the trial is closed, but said bill of exceptions shall be signed and sealed during the term, and such bill of exceptions when signed and sealed, shall, if the party desires it, be made part of the record in such suit.

Swan's R. S.  
717—section  
amended.

In what cases  
and from what  
courts appeals  
may be taken.

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SEC. 5. That section one of an act entitled "An act regulating appeals to the district court," passed March 23, 1852, be so amended as to read as follows: That appeals may be taken from all final judgments, orders or decrees in civil actions, in which the parties have not the right, by virtue of the laws of this state, to demand a trial by jury, and interlocutory orders dissolving injunctions rendered by any court of common pleas in this state, in which it has original jurisdiction by any party against whom such judgment or order shall be rendered, or who may be affected thereby to the district court, and the action so appealed shall be again tried, heard and decided in the district court in the same manner as though the said district court had original jurisdiction of the action.

Secs. repealed.  
Swan's R. S.  
717, 719.

Saving pro-  
viso.

SEC. 6. The said original section one and section twelve of the said act regulating appeals to the district court, be and the same are hereby repealed; provided, however, that such repeal shall not effect any action now pending in the district court, or any action in which a party may have given notice of intention to appeal from any judgment or order of any court of common pleas, in which it has become too late to apply for a second trial under the provisions of this act.

As to fixing  
terms of dis-  
trict courts &c.

SEC. 7. That it shall be the duty of the judges of the supreme court, or a majority of them in the month of December of every year, to fix and prescribe the times for holding the terms of the district courts for the next succeeding year, and so arrange the terms and apportion the labor of the judges, that a judge of the supreme court can be always present in every district court which may be held in the state; and a judge of the court of common pleas who has decided a cause in the common pleas, shall not sit on the review of his own decision, in the district court on error, or otherwise, when there is a quorum in the district court without him.

When common  
pleas judge is  
not to sit in  
district court  
on review of  
his decision  
below.

Duty of secre-  
tary of state as  
to list of terms  
of district  
courts.

SEC. 8. That immediately after the times for the terms of the district courts shall have been fixed as aforesaid, an accurate list of the same shall be furnished to the secretary of state, and the secretary of state shall forthwith thereafter cause copies of the list of the terms of the district courts so fixed for each judicial district to be made out, and one copy thereof to be forwarded to each judge of the court of common pleas of the district. And it shall be the duty of the judges of

the common pleas in each and every common pleas district in the state to fix the times for the terms of the court of common pleas in each of the counties in their respective districts so as not to conflict with the terms of the district courts, fixed and arranged as aforesaid by the judges of the supreme court.

Common pleas judges to fix terms of common pleas courts, &c.

SEC. 9. That the judges of the court of common pleas or a majority of them in each common pleas district, on or before the second Monday of January of each year, shall issue their written order to the clerk of the court of common pleas of each and every county in their said district, specifying precisely the commencement of the term of the district court, and of the several terms of the court of common pleas in said county and in all the counties in said district; provided, that not less than three terms of the common pleas court shall be appointed for any county for which three terms are now by law provided. They shall also, immediately thereafter transmit a certified copy of said order to the secretary of state, who shall preserve the same among the files of his office.

Order of judges.

Clerk's duties as to entry of orders.

SEC. 10. Whenever said order so issued shall have been received by the clerk of the court of common pleas in any county, he shall immediately enter the same upon the journal of the court of common pleas, and also upon the journal of the district court in his said county, in the same manner as other entries when required are made upon said journals during vacations of said court, and said entries shall be full and sufficient evidence as to the legal terms for holding said courts as therein ordered. The said clerk shall, also, cause a copy of said order, certified by him, to be published for four consecutive weeks in one or more newspapers of general circulation in his said county. The first publication of the same shall be in the first week in the month next ensuing the date of said order:

Effect thereof.

SEC. 11. The courts named in this act shall be held for every year, in each judicial district, at the times fixed and ordered by the judges, in accordance with the foregoing provisions, any act or acts to the contrary notwithstanding; provided, that nothing herein contained shall have reference to or control the holding of courts in the year one thousand eight hundred and fifty-eight.

Courts to be held at times fixed in orders

Proviso as to year 1858.

SEC. 12. If from any cause there occur a failure to hold the prescribed term of the district court in any county it shall be the duty of the common pleas judges of the district or a majority of them on conference with one or more of the judges of the supreme court, to appoint and hold, within the same year, a special term of the district court in such county. And if, for the want of time or other good cause, the business of the district court in any county cannot be disposed of at the regular term thereof, it shall be lawful for the judges of said court, whenever, in their opinion, the business is of suf-

Special term of district court.

Notice thereof. sufficient importance, to appoint and hold a special term of said court in such county. Thirty days previous notice of the holding of said special terms shall be given in the county wherein the same are ordered to be held.

53 Laws, 43. Sec. 13. That sections one, two, three, four, five, six and seven of the act entitled "An act to authorize the judges of the court of common pleas of each judicial district to fix permanently the times for holding the courts of common pleas and district courts therein," passed March 29, 1856, and also sections five hundred sixty-two and five hundred sixty-three of an act entitled an act to establish a code of civil procedure, passed March 11, 1853, be and the same are hereby repealed.

Swan's R. S. 696.

Secs. repealed.

Sec. 14. This act shall take effect from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

#### AN ACT

To define the Powers and Prescribe the Duties of the Board of Commissioners of the Sinking Fund.

Board of commissioners of sinking fund organized. President and Secretary. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of commissioners, composed of the auditor of state, secretary of state, and attorney general, created by article eighth, section eighth of the constitution, styled and known as the board of commissioners of the sinking fund, is hereby organized by constituting the auditor of state the president thereof, and the secretary of state the secretary thereof; and the said president, and the said secretary, shall hold their said offices during the time they may respectively be such auditor of state and secretary of state; and it shall be the duty of the said president and the said secretary of said board, with the advice and concurrence in writing, of the other member of the board, to do and perform all and singular the duties prescribed by this act; Provided, that nothing in this act contained shall be so construed as to prevent a majority of the board from transacting any business authorized by this act.

Duties of Secretary.

SEC. 2. The secretary shall keep a complete and full journal of all the proceedings, and orders, and requisitions, and acts of the said board of commissioners of the sinking fund, together with a register of all the certificates of the public funded debt, and of all transfers of the same, and all

other papers issued or made by the order of said board; and said board may appoint a clerk to assist the secretary, with a salary not exceeding one thousand dollars per annum, to be paid quarter yearly in equal amounts, on the first Monday of January, April, July and October, in each year, by warrants of the auditor of state, drawn in pursuance of a requisition of the said commissioners, on the treasurer of state, in the form and manner as herein prescribed, who shall pay the same out of the sinking fund.

Board may appoint clerk—  
his salary.

SEC. 3. The room or office provided for the use of the commissioners of the sinking fund in the state house, at the seat of government, shall be held in law to be the office of the said board, and all the books, records, correspondence and other papers of every description, belonging to the office of the commissioners of the sinking fund, (except the books necessary to be kept in the city of New York, for the preliminary transfer of the certificates of the public debt of the state, and the payment of the interest thereon,) shall be kept in the office of the commissioners in the state house, at the seat of government of the state, and at no other place. And it is hereby made the especial duty of the state house commissioners to proceed forthwith to prepare such room or rooms, or office, and provide and construct in the most perfect manner all such fire proof vaults or safes, as the said commissioners of the sinking fund may require in the performance of their duties, and for the perfect safety of all records, or papers, books and vouchers, of any kind, that may at any time belong to their said office, or be in their custody, or under their control.

Office of  
board.

Books, records  
&c., to be kept  
there.

SEC. 4. All the books, records, journals, documents and papers of all kinds, and everything belonging to the office of the said commissioners of the sinking fund, or that may be in their possession or under their control, shall at all times be subject to inspection and examination by the commissioners of inspection provided by law to be appointed by the governor, for the inspection and examination of the state treasury, and shall also be subject at all times to the examination of the governor and treasurer of state, and of any committee appointed by the general assembly, or of any committee appointed by either branch of the general assembly, and the commissioners of the sinking fund shall semi-annually report, as state or executive officers are required to report, to the governor, the condition of the public debt and the sinking fund, and also, all and singular, their proceedings in relation to the same; and shall also make all such other or additional reports, as may at any time be required by law, or by joint resolution of the general assembly, or by resolution of either branch of the general assembly, or by the governor

And to be subject to examination, by whom.

Semi-annual  
report.

Additional  
reports.

SEC. 5. The president and secretary of the board of commissioners of the sinking fund, are hereby especially required,

Payment of  
interest on  
public debt,  
&c.

Credit of State  
to be preserv-  
ed.

Disbursement  
of moneys be-  
longing to  
sinking fund.

Payment of  
principal of  
public debt, &  
&c.

Conveyance of  
money to New  
York to pay  
semi-annual  
interest, &c.

authorized, and fully empowered, by and with the advice and concurrence of the other member of said board, to cause to be paid promptly, and according to the tenor of each certificate of the public debt, and according to law, the interest as it may become due on all the funded debt of this state, and redeem and pay according to law, all the valid certificates of the public debt which have been lawfully created on the part of the state, and for the benefit and use of the state; and they are hereby further specially required to preserve to the extent of their power and ability, at all times and under all circumstances, the good faith and credit of the state.

SEC. 6. All money paid into the state treasury to the credit of the sinking fund, belonging to the same, shall only be paid out by the treasurer of state, on the warrant of the auditor of state, drawn on the requisition of the commissioners of the sinking fund, and such requisition shall be recorded in the office of said commissioners, and shall particularly specify the purpose and object for which the same is made; and said requisition shall be attached to, or be a part of said warrant, which shall be drawn by the auditor of state in conformity thereto; and the said warrant so drawn shall specify said requisition, and be made payable to the order of said commissioners of the sinking fund, and shall be by them endorsed over to the special object for which it is drawn, whether the same be the payment of the interest on any part of the public debt, or for the redemption of any part of the principal thereof.

SEC. 7. The said commissioners are hereby authorized and required, as often as there shall be money in the treasury to the credit of the sinking fund, (which shall not be required to pay the interest on the public debt,) to apply the same to the investment in or payment and redemption of such part of the public debt, whether the same be foreign or domestic, as may be so redeemed and paid, or invested in on terms which may be most to the interest of the state, and to no other use or purpose whatever, and if any such investment shall be made in the certificates of the funded debt of this state maturing after the time at which such funds shall be required for the redemption of any part of the public debt of the state, the commissioners shall have power, and they are hereby authorized to sell and transfer such certificates in the manner and form prescribed for transfers in other cases, and apply the proceeds to such redemption or payment, and to no other use or purpose whatever.

SEC. 8. Previous to the first day of January and July in each year, at least two of the members of the board of commissioners of the sinking fund, shall cause to be conveyed to the city of New York, a sufficient amount of money to pay the semi-annual interest then coming due on all the funded debt on which the interest is payable in said city; and

on their arrival in said city shall give public notice in some newspaper of current circulation in said city, and by such other means as to them appears most proper, that they are present, and ready at the agency of the state, to pay all such interest; and if the interest on the whole of the outstanding stock or funded foreign debt of this state should not be demanded and paid before the expiration of fourteen days from said first day of January and July respectively, then and in that case, the said commissioners shall bring all the remaining money back with them to the seat of government, and pay the same on the certificate of the comptroller of the treasury, (as required by law) into the state treasury to the credit of the sinking fund; and if the owner of any such stock who shall not have received the said semi-annual interest shall desire to receive the same, the amount thereof shall be paid to him or his agent, or attorney, at the office of the board of commissioners by the warrant of the auditor of state drawn on the treasurer of state, on the requisition of said commissioners, in the manner and form herein provided and described; and in all cases the interest on the funded debt of this state shall only be paid to the owner thereof, or to his or her legally authorized agent or attorney.

Money not used to be brought back to State treasury.

Payment of interest at office of board.

To whom interest can be paid.

Sec. 9. A majority of the board of commissioners of the sinking fund shall, at as early a day as practicable, after the passage of this act, proceed to the city of New York, and take possession of and bring to the seat of government of this state, and place in the office of said board all and singular, the books, records, papers, correspondence, certificates, engraved or printed, or written paper, cancelled or not cancelled; and all money, property, assets and effects of every description, belonging to the state, which may be in the possession, custody, control, or care of any institution, company, association, or person whatever, within said city, or at any other place.

Removal of books, papers, money, &c.

Sec. 10. The said commissioners of the sinking fund shall, at the same time, make all the necessary arrangements for an agency to be kept in some convenient place in the city of New York, at which the semi-annual interest shall be faithfully paid on all that part of the funded debt of this state, which by the terms expressed upon the face of the certificate thereof, is made payable in said city; and the agent to be appointed to attend to the business of this state, in assisting the said commissioners in paying the said interest, shall also act as the agent of this state in receiving from any person holding a certificate or certificates of the public debt as aforesaid, who may desire to have a transfer made of the same, in whole or in part, and proceed forthwith to have such transfer duly made in the manner herein provided.

Agency and agent in New York.

Sec. 11. The said commissioners, and the said agent

Books and accounts to be kept at office in New York.

under their instruction, shall prepare and keep at the agency of this state in the city of New York, transfer books, and also stock ledgers or books of inscription, in which stock ledgers accurate and particular accounts shall be kept with every public creditor holding a certificate or certificates of the funded foreign debt of this state; which account shall specify the amount, date, number, rate of interest, and the particular stock or portion of the public debt, as evidenced by each certificate, held by each creditor and included in his or her account as aforesaid; and the aggregate of individual accounts must at all times exactly correspond with the general accounts on the general ledgers, of each and all of such stocks.

Separate accounts in stock ledgers.

SEC. 12. In addition to the individual accounts as provided in the preceding section of this act, the commissioners of the sinking fund are required to keep, in their office in Columbus, separate accounts in stock ledgers, known as general ledgers, of every creation and issue of outstanding stock or certificates of public debt, showing the date, rate of interest, time of redemption, and the law under which such stock was created and issued; and if practicable, the original order or act of the late board of commissioners of the canal fund, upon which all such certificates of such stock were so issued; the original amount of each of said stocks so issued; the amount of each redeemed or paid; and at all times the exact amount outstanding.

What they shall show.

Accounts of domestic stocks.

SEC. 13. The said commissioners shall in like manner keep accurate accounts in general ledgers, particularized as aforesaid, of all domestic stocks created by this state; the amount of each original issue, the date, the rate of interest, the law under which such issue was made; the amount paid or redeemed, and at all times the exact amount of outstanding certificates thereof.

Of trust funds arising from school or ministerial lands, &c.

SEC. 14. The said commissioners shall also keep accounts in said general ledgers, of the exact amount standing to the credit of each class or portion of the irredeemable, or irreducible stock, or funded debt of this state, being funds held in perpetual trust by the state, arising from the sales of school and ministerial lands, &c., and on the principal of which the state pays interest.

Transfer of certificates of foreign debt.

SEC. 15. Whenever a transfer of any of the certificates of the funded foreign debt of this state may be desired, either in whole or in part by any owner thereof, or by his or her legally authorized agent or attorney, and application therefor be made to the said agent of the state in the city of New York, the said agent shall receive and forthwith make a preliminary transfer thereof in his transfer book, and post the same to the account of the proper persons in his stock ledger, and immediately transmit said certificate or certificates, with a power of attorney for such transfer, to the office of said commissioners, directed to the secretary of said

board, at the seat of government as aforesaid, and if need be, communicate that fact by telegraph to the said secretary, and as soon as said secretary shall receive the same, he shall forthwith proceed to transfer the same according to the request of the owners, his or her agent or attorney, and return the new certificate to said agent in the city of New York, to be delivered by him to the owner, or his or her agent or attorney, as the case may be; and all such certificates, and every other certificate of the funded debt of this state, that shall be issued, dated or re-issued after the taking effect of this act, no [in] order to be valid as against this state, shall be signed by the president of the board of commissioners of the sinking fund, in the office of said commissioners at the seat of government of the state, and shall be countersigned by the secretary of state, who shall register and certify the same, and affix the seal of the state thereto; and each of such certificates shall moreover be certified as valid and in due form by the attorney general of the state.

Sec. 16. All valid transfers of the public debt of this state shall be made in the office of the board of commissioners of the sinking fund, by the owner thereof, or by his or her attorney in fact, for that purpose; and a power of attorney to make such transfer shall be sufficient, if simply and concisely written or printed on the certificate of said public debt; and all such powers of attorney written or printed on such certificates, as may be sent from New York as aforesaid, shall be sufficiently authenticated, if witnessed by the said agent; and such power may be made to authorize the secretary of said board of commissioners, or any other person, to transfer the same as the attorney of the owner thereof; and whenever any application shall be made directly to the said commissioners at their office at the seat of government, for a transfer of any state stock evidenced by a certificate or certificates of the funded foreign debt, the interest on which being payable in New York, such transfer on being made shall be reported the same day to the said agent of the state in New York, in order that corresponding entries may be made by said agent in the books of said agency; and whenever any transfer of any part of the public debt is made, the secretary of the board of commissioners shall immediately post the same to the accounts of the proper persons in the stock ledgers of said public debt, so that at all times the exact amount of said public debt shall appear upon said stock ledgers.

Of domestic  
debt.

Of state stock  
evidenced by  
certificates of  
foreign debt.

Accounts of  
transfers.

Sec. 17 The transfer books shall be closed on the fifteenth day of June and December in each year, in order to make perfect pay rolls of all interest then coming due to the public creditors, and for the purpose of payment of such interest on the first day of July and January in each year, and for that purpose the said transfer books shall remain closed from said periods until the fifteenth day of July and

Close of trans-  
fer books.



Pay rolls to be made in duplicate, &c.

To whom interest shall be paid, &c.

Disposition of pay rolls.

Appointment of agent.

Term.

Bond.

Additional bond.

Removal.

Successor's appointment.

Bond.

Agent's salary

January in each year; and the said pay rolls shall be made out in duplicate, one of which to be made from the stock ledgers in the office of the said commissioners at the seat of government, and the other of said pay rolls shall be made from the stock ledgers kept at the office of the agency of the state in the city of New York as aforesaid; and said pay rolls shall be carefully prepared, and shall perfectly correspond with each other, and with the accounts of said public creditors on said stock ledgers; and all payments of interest on the public funded debt of this state shall be paid to the owner thereof, in person, or to his or her legally authorized agent or attorney, on such owner, or his or her said agent or attorney, signing such duplicate pay rolls, and the said pay rolls so signed, shall be brought by the said commissioners, to the seat of government; and one of them shall be filed in the office of the said commissioners, and the other in the office of the treasurer of state.

SEC. 18. The agent of the state as herein provided shall be appointed by the governor of the state, on the recommendation in writing of a majority of the board of said commissioners of the sinking fund, for the term of two years, and may be eligible for re-appointment, and shall be required to give bond with good security, conditioned for the faithful performance of all his duties as such agent in the penal sum of thirty thousand dollars, and the sureties on said bond shall be citizens of this state, of undoubted ability to pay the same; or the said security on said bond may be a good and sufficient lien upon real estate double in value to such required suretyship, and made subject to the operation of the laws of this state, to the full amount of said bond; and the said agent shall also give such further or additional bond and security as he may be required to give either by the governor, or by the board of commissioners of the sinking fund, and the governor or the said board, or a majority thereof, shall at all times have power to remove and dismiss said agent from said agency, for such cause as to them may appear sufficient; and in case of such removal or dismissal from said agency, the governor, or in his absence from the seat of government, or on his failure to make an appointment, promptly, the said board of commissioners shall appoint an agent to perform the duties aforesaid; which agent so appointed on having given such bonds and security as is required by this act for such agent to give, shall enter upon the discharge of his duties under the direction of said board of commissioners in conformity to the requirements of this act.

SEC. 19. There shall be paid quarter-yearly in equal amounts, on the first Monday of January, April, July and October, in each year, out of the sinking fund, on the warrant of the auditor of state, (drawn on such requisition and in such form and manner as is prescribed by this act for drawing

money out of said fund,) to the said agent of this state, such salary, not exceeding twenty-five hundred dollars per annum, as may be agreed upon by said commissioners, and entered of record in their office; and also all such other necessary expenses of the said agency in New York, and also all the necessary expenses of the said commissioners in attending to their duties in said city. And a detailed statement of all such expenses shall be filed in their office, and be reported in their reports to the governor, and to the general assembly, if so required.

Expenses.

Report thereof

SEC. 20. The same inspector that shall be appointed by the governor to make careful and critical inspections of the state treasury, as required by law, shall, at the same time, together with the treasurer of state, a part of whose official duties it is hereby made to perform the same, make a thorough, careful and particular inspection and examination of the books, papers, accounts, records, vouchers and business of the board of commissioners of the sinking fund, and report the result of such inspection to the governor; and the governor is required to file said report in his office, and communicate the same to the general assembly. And if, on such inspection and examination being had, it should appear that the said commissioners of the sinking fund, or any one of them, or any agent or clerk employed by them in the service of the state, or any agent of the state as provided by this act, shall have committed an act of embezzlement or breach of trust as described in any law for the punishment of embezzlement or breach of trust, then such commissioners or agent or clerk or employee, shall on trial and conviction before any court of competent jurisdiction in this state, be sentenced by the court before which such trial and conviction is had, to all and singular the same punishment and fines as is provided by any such law for the punishment of embezzlement or breach of trust.

Examination by inspector and treasurer of state.

Report to governor.

His duties in relation thereto

Embezzlement or breach of trust--how punished.

SEC. 21. That an act entitled "An act to define the duties of the commissioners of the sinking fund," passed April 19, 1852, and an act passed May 1, 1854, entitled "An act supplementary to and amendatory of an act to create a sinking fund for the payment of the principal and interest of the public debt of Ohio," passed March 14, 1853, and to repeal certain sections of said act, and to amend the eighth section of the act entitled "An act to define the duties of the commissioner of the sinking fund," passed April 19, 1852, and also the third, fourth, fifth, sixth, and seventh sections of an act entitled "An act making appropriations for the payment of the principal and interest of the public debt of Ohio, for the years 1854 and 1855. And also section four of the general appropriation act for the years 1854 and 1855, passed May 1, 1854; also an act entitled an act prescribing the duties of the commissioners of the sinking fund in certain cases, passed April 9, 1856; also section three of an act

Swan's R. S., 175.

Swan's R. S. 177.

52 Laws, 143.

52 Laws, 149.

53 Laws, 180.

53 Laws, 112.

entitled an act making appropriations for the year 1856; also an act entitled an act in addition to the act to create a sinking fund for the payment of the principal and interest of the public debt, and the acts amendatory thereof, passed April 11, 1857, be and the same are hereby repealed; provided, the repeal of said acts and parts of acts, shall not affect any liability, civil or criminal, growing out of or arising under said acts or parts of acts or either of them, or the prosecution therefor to conviction or final judgment, agreeably to the laws heretofore existing.

Sec. 22. This act shall take effect and be in force on and after the first day of June next, (1858.)

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 12, 1858.

#### AN ACT

To further provide for the better regulation of the receipt, disbursement, and safe-keeping of the public revenue.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of state shall be the chief accounting officer of the treasury department; he shall keep his office in the state house, at the seat of government, in which he shall keep all accounts pertaining to his office in relation to the receipt and disbursement of the public moneys of the state, together with all vouchers and records thereof, and all property under his care and in his custody, and manage and direct all negotiations and correspondence in his official capacity concerning the same, for the best interests of the state, and no money shall be paid out of the state treasury except on his warrant; and the books and accounts in his office shall, at all times, show the exact amount of every payment made into and out of the state treasury; and he shall keep in separate sets of books, the exact amount of each particular fund; and the auditor of state, treasurer of state, and comptroller of the treasury, shall each respectively keep an account, in books prepared for that purpose, of each and every appropriation made by law, and shall enter to the credit of each account the amount thereof, and charge against it every payment made on account of the same.

54 Laws, 101.

Saving clause.

When act takes effect.

Auditor of state to be chief accounting officer of treasury department.

Where to keep his office and accounts of public moneys

Account of appropriations—payments, &c.

SEC. 2. Every person making payment into the state treasury shall inform the comptroller of the treasury thereof, and furnish him with a pertinent description of the liability or indebtedness on account of which such payment is to be made; and shall exhibit to him all accounts vouchers or documents, necessary to enable him to ascertain the true amount to be paid, (unless the comptroller shall have in his office the means of determining the same;) and the comptroller, after a careful examination of such vouchers and other documents, or of the accounts, records and vouchers in his office, as the case may require, shall certify to the treasurer the amount to be paid into the treasury, and the fund to which the same shall belong, and shall likewise certify the same to the auditor of state; and every such certificate shall be delivered to the treasurer, by the person making payment therein, at or before the time of making such payment, and together with the accompanying draft of the comptroller in favor of the treasurer, shall be numbered, filed, and carefully preserved, in the treasurer's office; and, on receiving payment thereon, the treasurer shall give to the person making such payment, triplicate receipts for the money so paid, specifying therein the liability on account of which such payment shall have been made according to the description contained in such certificate. The auditor and comptroller of the treasury shall examine all claims and accounts presented for payment.

Payments into  
state treasury,  
how made, &c.

Comptroller's  
certificate.

Treasurer's re-  
ceipts.

SEC. 3. The auditor and comptroller shall, severally, carefully examine all claims and demands, of every kind, presented for payment out of the state treasury, and shall, first, be satisfied that the claim is just and legal, and ought to be paid, before he shall allow and audit, or certify, countersign or register the same; and, secondly, he shall ascertain whether any money has been appropriated for the payment of the same, and, being satisfied of the foregoing requirements, the auditor shall issue his warrant on the treasurer for the payment of the same, out of the appropriate fund for which the claim or demand is required to be paid, and he shall credit himself with the amount of the warrant so issued, as against the fund out of which the same is to be paid, so as to keep an exact debit and credit account with each particular fund in the treasury.

Examination  
and payment  
of claims out  
of state treasury.

SEC. 4. The auditor and comptroller shall, severally, keep a fair record of all claims or demands presented for payment which shall have been allowed and audited, and certified, and a warrant issued for the payment of the same as aforesaid, and carefully file the same in his office, with the receipt or a duplicate thereof of the person receiving such warrant for the payment of the claim or demand, which receipt shall be taken, on the face of such claim, in full for the same. And the original of all such claims and receipts

Record of  
claims allow-  
ed, audited &c

Receipt for  
same.

shall be kept by the auditor, and the duplicates by the comptroller.

When warrant shall not be issued, &c.

SEC. 5. The auditor of state shall not at any time draw any warrant upon the state treasury, unless there is money therein belonging to the fund upon which the same is drawn to pay the same; nor shall the comptroller of the treasury certify, countersign, or register, any warrant drawn by the auditor of state on the treasurer of state, unless the same be drawn by authority of law and in conformity to appropriation made by law, and on money at the time actually in the treasury according to the accounts of his office, subject to the payment of the same.

Payment of warrants.

SEC. 6. The treasurer of state shall, on presentation, pay all warrants drawn on the treasury by the auditor of state, duly certified and countersigned by the comptroller, when in funds of the particular fund on which the warrant is drawn, in such money and funds in the state treasury as shall have been received for taxes, and other revenues of the state; and on payment of the same, he shall take the receipt of the person presenting said warrant and entitled to the same, on the face of such warrant, and in full for the amount specified therein, and the treasurer shall write on the face thereof the word "paid;" which warrant when so paid and canceled, shall be numbered in the order in which it is paid, and he shall record the same, in the appropriate book kept for that purpose, and file the same in his office, as his voucher for so much money paid out, and shall credit himself with the amount of the warrant paid, on his account against the particular fund appropriated, and for which he has charged himself as herein provided, so as to keep an exact debit and credit account of each particular fund in his office.

How canceled, numbered, recorded and filed.

Account of each fund in treasury.

Comptroller to have charge of bank department.

SEC. 7. The comptroller of the treasury shall have charge of the bank department in the auditor of state's office, and shall do and perform all and every duty now or hereafter devolved by law upon that office in regard to banks; and shall annually make his report to the auditor of state, to be by him included in his annual report.

His report.

Public stocks deposited to secure bank circulation.

SEC. 8. The certificates of the funded debt of the state of Ohio, or of any other state, or of the United States, deposited with and transferred to the treasurer of state, to secure the circulation of bank notes, under the provisions of the act entitled an act to incorporate the state bank of Ohio, and other banking companies, passed February 24, 1845, and the like certificates transferred to and deposited with the auditor of state, as security for circulation under the provisions of an act entitled an act to authorize free banking, passed March 21, 1851, shall hereafter be held and kept in the treasury of the state of Ohio, as a part of the securities belonging to the state; and whenever, in order to redeem any of the circulation of any of the said banks, it shall be necessary to sell any part of such securities, the commissioners of

Where kept.

the sinking fund shall convert the same into money, and pay the proceeds thereof, upon the draft of the comptroller of the treasury, drawn upon said board, countersigned by the auditor of state, into the state treasury. Their conversion into money, &c.

SEC. 9. Whenever any bank as aforesaid, shall be desirous of diminishing the amount of its circulating notes, and shall desire to deliver to the treasurer of state, or to the auditor of state, as the case may be, any portion of its notes, to be destroyed, all such notes shall be first presented to the comptroller of the treasury, and be carefully registered by him, before delivery to the treasurer or auditor, and such treasurer or auditor, in the presence of the said comptroller and the officer or agent of said company by whom the said notes shall have been delivered to the said treasurer or auditor, shall proceed to burn to ashes, the said notes so delivered; after which the treasurer of state, upon the warrant of the auditor of state, countersigned by the comptroller, shall deliver to the said bank an amount of her securities so deposited and transferred, equal to the notes so burned. Registry and burning of circulating notes.

Whenever any such bank as aforesaid, shall be desirous of delivering up any worn-out, defaced, or mutilated notes to the treasurer of state or auditor of state, to be exchanged for new circulation, the notes so delivered up shall be first registered and burned as hereinbefore provided; and after such registry and destruction of such notes, the said bank shall be entitled to receive from the treasurer of state or the auditor of state, as the case may be, on the order of the auditor of state, countersigned by the comptroller of the treasury, new notes for circulation equal to the amount so delivered up and burned. Re-delivery of securities.

SEC. 10. That if at the time of any inspection and examination of the state treasury, as provided by the act to establish the independent treasury of the state of Ohio, or by this act, or by law, or at any other time, there should be any deficiency of money or of other funds or property in the treasury; or if there should at any time be an act of breach of trust or embezzlement, as described in the aforesaid act, or in this act or by law, committed by the treasurer of state, such fact shall be immediately reported to the governor by any one or all of the members of the board of inspection as herein provided, or by any other person or persons, and the governor on receiving such report shall, with the concurrence of the auditor of state and comptroller of the treasury, if they find the facts so reported to them to be true, forthwith order the arrest of the state treasurer whose official powers and functions shall thereupon cease and determine, and the office of treasurer shall by such act of arrest be absolutely vacant, and he shall no longer be treasurer and shall be held in bonds with good security in an amount at least equal to his official bonds, to abide his trial on the charges made against him; or on failure to fur-

Deficit in State treasury, breach of trust or embezzlement to be reported to governor, &c.

Arrest of treasurer, &c.—vacancy in his office.

How filled, &c. nish such bonds and security, shall be kept in safe confinement until such trial be had. And the governor immediately on such arrest of the treasurer, shall proceed to appoint a treasurer, who, on having given such bond and security as a state treasurer is required to give by this act, and having taken in due form the required oath of office, and the same being duly filed and recorded, as by this act required, shall be vested with all the powers and functions, and be subject to all the liabilities and duties of treasurer of state in like manner as is provided in and by this act.

Deficit in county treasury, breach of trust or embezzlement to be reported to probate court, &c.

SEC. 11. That if at the time of any inspection and examination of any county treasury of any county in this state as provided by the act to establish the independent treasury of the state of Ohio, or by this act or by law, or at any other time, there should be any deficiency of money or other funds or property, bonds, securities, assets, or effects, in any such county treasury; or if at any time there should be an act of breach of trust or embezzlement as described in the aforesaid act or in this act, or any law, committed by the treasurer of any such county, such facts shall be forthwith reported to the probate court of such county by any one or all of the members of the board of inspection therein provided for such county inspection, or by any other person or persons. And the judge of the probate court of such county to whom such report is made shall forthwith, if satisfied of the truth of the report so made, issue his writ or warrant, and cause the arrest of such treasurer, whose official powers and functions shall thereupon cease and determine, and he shall no longer be treasurer, and hold him in penal bonds with good security to appear before the court of common pleas of such county, in an amount at least equal to his official bonds, to abide his trial on the charges made against him, or on failure to furnish such bonds and security, shall be kept in safe confinement until such trial be had. And the said judge of said probate court shall report the same to the court of common pleas for such county, and the court of common pleas immediately on receiving a report, as aforesaid, of such deficiency, embezzlement or breach of trust, shall forthwith issue its mandate, and close the business of the said office of treasurer, and place the said treasury under the care of trusty master or masters of said court until the appointment and qualification of a treasurer shall be made and perfected, and the office of treasurer of such county being thereby vacant, the county commissioners and county auditor of such county, with the concurrence and approval of the judge of the said probate court, such concurrence and approval being in writing, shall proceed forthwith to appoint some trusty and competent person treasurer, who, when so appointed and qualified as a county treasurer is required by law to be qualified, and his bonds having been duly approved and filed, shall be vested with all the powers and functions,

Arrest of treasurer.

His appearance before the court of common pleas.

Probate judge to report to common pleas.

Proceedings there.

Office of treasurer vacant.

How filled, &c.

and be subject to all the duties and liabilities of a duly elected and duly qualified county treasurer, and shall hold his office until his successor shall be duly elected and qualified.

SEC. 12. That if at the time of any inspection and examination of the office, receipts, books, vouchers and business of any toll collector, receiver of sales of public lands, register of any state land office, or any other officer or agent of the state, or person having an office, as provided by this act, or at any other time, the inspector of such office, or any other person or persons, shall discover any evidence of embezzlement or breach of trust, as described in this act, or fraud in the business transactions or records, books or vouchers of any such office, such inspector or other person shall immediately report the same to the governor and to the auditor of state; and it shall be the duty of the governor, or in his absence from the seat of government, it shall be the duty of the auditor of state, if he is satisfied of the truth of the report so made, to forthwith order the arrest of such collector, or receiver, or register, or officer, or agent, or person whose official functions and powers shall thereupon cease and determine, and such office or agency shall thereby become absolutely vacant; and such collector, or receiver, or register, or officer, or agent, or person, shall be held in bonds with good security in an amount, at least double his official bonds; or if he has given no official bonds, then in bonds in such an amount, and with such good security as shall be to the satisfaction of the court before which proceedings are had, to abide his trial on the charges made against him; or on failure to furnish such bond and security he shall be kept in safe confinement until such trial be had. And the governor, immediately on such arrest, shall proceed to appoint some competent and trustworthy person to fill such office so become vacant, who, on being qualified by having given bonds and taken the proper oath of office, according to the requirements of law, shall be vested with all the functions and powers, and be subject to all the duties and liabilities of such collector, or receiver, or register, or officer, or agent, or person aforesaid.

SEC. 13. It is hereby made the duty of the treasurer and auditor of state, conjointly to make out and cause to be published in at least two papers of general circulation at the seat of government, a statement of the exact amount of money existing in the state treasury at the close of business on the last business day of each and every month, particularly specifying in such statement the amount belonging to each particular fund. Such statement shall be signed by the said officers, and the expense of such publication shall be paid by the auditor of state out of his contingent fund. And if it should at any time appear that any such statements were false or untrue in regard to the amount of money then on hand and in the state treasury, the said treasurer of state

Embezzlement, breach of trust or fraud in other offices to be reported to governor and auditor of state.

Such officer to be arrested, &c.—vacancy in his office.

How filled, &c.

Publication of monthly statement of money in State treasury.

Statement to specify what.

Expense; how paid.



False statement to be deemed a breach of trust and misdemeanor.

Penalty.

Publication of weekly statement of State treasurer in December annually.

Expense thereof; how paid.

County treasurer and auditor to publish quarterly statements of amount of money in treasury.

What statement to contain.

Expense, how paid.

False statements to be held a breach of trust and misdemeanor.

and the said auditor of state making the same, shall, without regard to lapse of time, be held guilty of a breach of trust and high misdemeanor, and on trial by indictment and conviction thereof, before any court of competent jurisdiction, shall be sentenced by the court before which such trial and conviction shall be had, to the same punishment as is provided in and by this act or by law, for the punishment of embezzlement or breach of trust.

SEC. 14. On the first Monday of December annually, the treasurer of state shall make out and cause to be published, over his official signature, once a week for one month, in two newspapers of general circulation, published at the seat of government, a condensed tabular statement, exhibiting the receipts and expenditures of the public money during the fiscal year next preceding, and in such statement he shall particularly specify the amount of money in the state treasury at the beginning of said fiscal year, the amount received within said fiscal year from each of the several sources of revenue, carefully distinguishing the same, and the amount paid out under each of the various legislative appropriations during the same period, the balance remaining to the credit of each particular fund, and the total amount remaining in the treasury at the close of the fiscal year; and the expense of such publication shall be paid by warrant or warrants drawn by the auditor of state on the treasurer of state, particularly specifying the same; and the accounts of such publication, duly authenticated and receipted, shall be filed by the auditor of state in his office.

SEC. 15. It is hereby made the duty of the treasurer and auditor of each and every county in this state, conjointly, to make out and cause to be published in at least one newspaper of general circulation in the county in and for which they are such treasurer and auditor, a statement of the exact amount of money existing in the treasury of such county at the close of business, on the last business day of each and every quarter, or oftener if the commissioners of the county shall so direct; particularly specifying in such statement the amount belonging to each particular fund, together with all other property, bonds, securities, claims, assets and effects, belonging to the county, in the custody or under the control of such treasurer; such statement shall be signed by said county treasurer and said county auditor. And the expense of such publication shall be paid out of the county treasury, on warrant or warrants drawn by the county auditor, particularly specifying the same; and if at any time it should be found that such statement was untrue or false, in regard to the amount of money and other property then on hand and in the treasury, the said treasurer and the said auditor making the same, shall, without regard to lapse of time, be held to be guilty of a breach of trust and high misdemeanor, and on trial, by indictment, and conviction thereof, before any court of competent jurisdiction, shall be sentenced by

the court before which such trial and conviction shall be had, to the same punishment as is provided in and by this act or by law for the punishment of embezzlement or breach of trust. Penalty.

SEC. 16. A thorough and critical inspection and examination shall be made as often as once in every six consecutive months, or oftener if the auditor of state and comptroller of the treasury shall judge necessary, of all the receipts and business, books and vouchers, of each collector of tolls, and each receiver and each register of the state land offices, and every other state officer or agent having an office in which the business of the state is attended to, done or performed, or required to be attended to, done or performed. And for this purpose the auditor of state, with the concurrence in writing of the comptroller of the treasury, is hereby authorized and required, as often as once in every six consecutive months in each year, to appoint some well qualified and trustworthy accountant or accountants, who shall, under instructions to be furnished him or them in writing by the auditor of state, proceed, without having given any previous knowledge, notice or intimation of such intended inspection and examination, to the office of such collector, or receiver, or register, or officer, or agent, and enter said office and make a thorough and complete inspection and examination of the books, papers, records and vouchers of said office, and ascertain whether the business and duties thereof have been performed in good faith and with full ability and capacity, by such collector, receiver, register, officer or agent; and if such is found to be the case, such inspector or inspectors shall certify the same to the auditor of state in writing. Semi-annual inspection of books, &c., of officers of state

Duty of auditor of state and comptroller in relation thereto.

Duty of the inspector.

His certificate to auditor of state.

SEC. 17. That any hindrance to, or attempt to hinder, or any obstruction to, or attempt to obstruct any inspection and examination of the state treasury or county treasury, or any office, as provided by this act or by law, and any hindrance to, or attempt to hinder any one of the inspectors provided by law, or any committee appointed by joint resolution of the general assembly, or any committee appointed by a resolution of either branch of the general assembly, from entering into any one of the said treasuries or offices which they are appointed and required to inspect, as aforesaid, shall be deemed and held in law to be a high misdemeanor. And any state treasurer, or county treasurer, or officer, or agent, or person so offending, shall be arrested, removed from office by the act of such arrest, held to bail, confined, tried, sentenced and fined, in the same manner, and for the same term of time, and in the same amount, as he would be subject to by the act to establish the independent treasury of the state of Ohio, or by any other law, or by this act, for embezzlement or breach of trust, as herein provided and described. Hindrance or obstruction to examination to be deemed a misdemeanor.

Arrest of offender and removal from office.

His trial and punishment.

Oath of inspectors.

Sec. 18. That all inspectors, other than officers whose official oath embraces this duty, as provided for by this act or by law, shall, before entering upon the discharge of their duties, take an oath or affirmation before some officer qualified to administer such oath or affirmation, that he will faithfully and impartially without fear, favor or prejudice, make a true, thorough and critical inspection of the office or offices, mentioning them, to the inspection of which he has been appointed. And a willful failure so to inspect any such office, shall subject such inspector to all the pains and penalties of perjury.

Failure in duty punished as perjury.

Power of inspectors.

Sec. 19. That each inspector herein provided or provided by law, shall have power, when in the execution of his duties as such inspector, to take the testimony of any state treasurer, or county treasurer, or officer, or any other person or persons he may think proper, in regard to any thing or matter connected with any such treasury or office, as he is required to inspect. And for that purpose any such inspector is hereby vested with full power to administer an oath or oaths, or affirmation, to any such treasurer, officer or person, at the time of any such inspection. And all such treasurers, officers or persons, shall answer in writing, and over their proper signatures, all questions propounded by such inspector; and such oath or affirmation so taken shall have all the validity, and subject the party taking the same to all the pains and penalties attached to an oath or affirmation duly administered to a witness, in any cause, in any court of justice in this state.

To administer oaths, &c.

Effect thereof.

Duty of attorney general.

Sec. 20. That it is hereby made the especial duty of the attorney general, to prosecute to conviction, either on, or by indictment, and without delay, all violations of this act, or the act to establish the independent treasury of the state of Ohio, committed, done, or suffered, or performed, by any state officer, or by any person acting by or under the authority of the state, or by or under the authority of any officer or agent thereof. And it is hereby made the special duty of each and every prosecuting attorney, in each and every county in this state, to prosecute to conviction, either on information or by indictment, as the case may admit, and without delay, all violations of this act, or the act to establish the independent treasury in the state of Ohio, committed, done, suffered or performed by the treasurer of the county, or the treasurer of any township in the county, or any other individual or person within the county, of, in, or for which he is such prosecuting attorney.

Of prosecuting attorney.

Bond of state treasurer.

Sec. 21. The treasurer of state shall, previous to entering upon the duties of his office, give bond, with twelve or more securities to the acceptance of the governor, in the sum of three hundred thousand dollars, payable to the state of Ohio, and conditioned for the faithful performance of the duties of his office, as prescribed by law and as shall be provided by law thereafter; and the said bond, with the oath of office

Oath.

plainly written out thereon, and subscribed by the treasurer, shall be deposited with and recorded by the secretary of state, before the treasurer shall have the right to exercise any function of his office whatever; and the general assembly, or the governor, may, at any time during the continuance in office of the treasurer, require him to give such additional security as they, or either of them, shall deem necessary for the complete indemnity of the state; and after ten days from the demand of such additional security, if it be not complied with to the satisfaction of the general assembly, or the governor, as the case may be, then the office of the treasurer shall be held to be vacant, and the governor shall proceed by his own motion to appoint a treasurer instead of the incumbent; which successor so appointed, on giving bond and security, and taking the oath of office, as the treasurer of state is herein required to do, shall have and possess all the powers and functions, and be subject to all the duties and liabilities of a duly elected treasurer of state; and shall hold his office until his successor is duly elected and qualified; and it is hereby provided that the salary of the treasurer of state shall be \$——dollars per annum, payable quarter-yearly, on the warrant of the auditor of state.

Sec. 22. Whenever the term of office of any treasurer of this state or any treasurer of any county or township or any organized city in this state shall have expired, or he shall have resigned, died, or have been removed from office, he, or in case of his death or incapacity, his legal representatives, shall immediately make a full settlement with the auditor of state, or the auditor of any county or organized city in this state, as the case may be, of and concerning all moneys paid into, and out of such treasury, since his last previous settlement, which settlement shall be so made as clearly to exhibit on what account and for what purpose each payment either into or out of the treasury, shall have been made, and in case of payments out of the treasury, on account of what appropriation every such payment was made; and the auditor shall certify to the incoming treasurer the several sums to be paid over to him by the outgoing treasurer on account of such appropriation that shall not have been fully paid, and also the sum to be paid on general account; and the outgoing treasurer or his legal representatives shall forthwith pay over to his successor the several sums of money so certified, and also deliver to him all the books, accounts, vouchers, official papers and correspondence of whatsoever kind, together with all other property, bonds, securities, claims, assets and effects belonging to the state or to any county or township or organized city in this state, as the case may be; and neither the outgoing treasurer nor his securities shall be discharged from his or their liability to the state or to any county or township or organized city in this state, as the case may be, until such settlement, payments and deliv-

Deposit and record of bond.

Additional bond.

Office vacant when, and how filled; bond, oath, powers, duties and term of successor.

Salary.

Settlement by state, county, township or city treasurer, outgoing or his legal representatives, with state, county or city auditor.

What settlement to exhibit.

Auditor's certificate to incoming treasurer.

Payment, delivery of books &c. by outgoing to incoming treasurer.

ery of books, accounts, vouchers, official papers, property, bonds, securities, claims, assets and effects, and other papers and correspondence hereinbefore enumerated, shall have been made.

Governor to  
appoint a  
comptroller of  
treasury.

SEC. 23. Immediately after the taking effect of this act, there shall be appointed by the governor, by and with the advice and consent of the senate, a comptroller of the treasury, whose term of office shall continue until his successor is elected and qualified as is hereinafter provided; and at the annual election in October, 1858, and every three years thereafter, there shall be elected by the qualified electors of the state, such comptroller, whose term of office shall be three years from the second Monday in January following, and until his successor shall be elected and qualified, and who shall receive as a compensation for his services, the sum of twelve hundred dollars per annum, payable quarterly from the state treasury upon the warrant of the auditor of state.

His election,  
term and com-  
pensation.

His bond.

The said comptroller, before entering upon the duties of his office, shall execute a bond to the state of Ohio, in the penal sum of fifty thousand dollars, with six or more securities to the acceptance of the governor, conditioned for the faithful performance of his official duties, and shall take an oath of office, which shall be indorsed on said bond and subscribed by the said comptroller; and the said bond shall be deposited with and recorded by the secretary of state, before the said comptroller shall enter upon the duties of his office; and the state house commissioners shall immediately furnish to the comptroller an office in the state house, with all the necessary furniture and safes for the same.

Its deposit and  
record.

His office.

Costs and ex-  
penses of keep-  
ing and dis-  
bursing public  
moneys of the  
state, how  
paid.

SEC. 24. All costs and expenses of the safe keeping and disbursements of the public money, belonging to the state, shall be paid by the treasurer of state out of his contingent fund, upon the warrant of the auditor of state, countersigned by the comptroller of the treasury.

Of the county  
—how paid.

SEC. 25. All costs and expenses of the safe-keeping and disbursement of the public money belonging to the several counties, shall be paid by the treasurer of the county upon the allowance of the county commissioners of such counties, but no county treasurer shall be permitted to charge or receive more than one half of one per centum on any money belonging to the state, or belonging to any county, that may be deposited or paid into such county treasury by any officer, agent or person, other than the money arising from taxes upon the tax duplicate. Nor shall there be any allowance made to such county treasurer over and above the said one half of one per centum for the transfer or paying out the same.

County treas-  
urer's fees on  
public money  
other than du-  
plicate tax.

Vaults and  
safes in state  
treasurer's  
office.

SEC. 26. The state house commissioners are hereby required to proceed forthwith to construct, in the most perfect manner, in the office of the treasurer of state, in the state house, all such vaults, and provide all such fire-proof

safes as the treasurer of state may require for the perfect protection and safety of the public money kept or to be kept therein.

SEC. 27. The county commissioners of each county in this state are hereby required to provide, as soon as practicable after the passage of this act, all such rooms or offices, and construct all such vaults, and provide all such fire-proof safes, in the office of the treasurer in the public buildings of each county, as may be needed by the county treasurer for the perfect protection and safe-keeping of the public money therein.

Rooms, vaults  
and safes for  
county treas-  
urer.

SEC. 28. That sections twenty-eight (28,) twenty-nine (29,) thirty (30,) thirty-one (31,) thirty-two (32,) thirty-three (33,) thirty-four (34,) thirty-five (35,) thirty-six (36) and thirty-seven (37) of "An act prescribing the general duties of the auditor, treasurer and secretary of state," passed January thirty-first (31,) one thousand eight hundred and thirty-one (1831,) sections one hundred and twenty-four (124,) and one hundred and thirty-eight (138) of "An act to provide for the protection of the canals of the state of Ohio, the regulation of the navigation thereof, and for the collection of tolls," passed March twenty-third (23d,) eighteen hundred and forty (1840,) section seven (7) of "An act to provide for paying the temporary liabilities of the state, the interest of the state debt and other purposes," passed March seventh (7th,) one thousand eight hundred and forty-two (1842,) sections seventy-three (73) and seventy-four (74) of "An act to regulate the navigation and collection of tolls on the canals of this state," passed February twenty-third (23d,) one thousand eight hundred and thirty (1830,) section four (4) of "An act to provide for keeping accounts in the several departments of the state government, and the public institutions," passed April 16, 1857, sections one (1) and two (2) of "An act in addition to the act to create a sinking fund for the payment of the principal and interest of the public debt, and the acts amendatory thereof," passed April 11, 1857, also the act passed and took effect March 30th, 1857, entitled "An act supplementary to the act prescribing the duties of the auditor and treasurer of state relative to the receipt, safe-keeping and disbursement of public moneys, and accounting therefor," passed April 18, 1856, also section six (6) of an act entitled "An act further to prescribe the duties of county commissioners," passed April 18, 1856, the act passed April 17, 1857, entitled "An act to amend sections six and ten of the act entitled an act further to prescribe the duties of county commissioners," passed April 8, 1856, the act passed March 30, 1857, entitled "An act supplementary to the act prescribing the duties of the auditor and treasurer of state relative to the receipt, safe-keeping and disbursement of public moneys and accounting therefor," passed April 8, 1856, the act entitled "An act to punish the embezzlement and unlawful use of

Swan's R. S.  
74.

Swan's R. S.  
144.

Swan's R. S.  
165.

Swan's R. S.  
165.

54 Laws, 181.

54 Laws, 101.

54 Laws, 80.

54 Laws, 222.

54 Laws, 80.

53 Laws, 158.

54 Laws, 101.

public moneys," passed April 10, 1856, the act entitled "An act in addition to the act to create a sinking fund for the payment of the principal and interest of the public debt, and the acts amendatory thereof," passed April 11, 1857, and the act entitled "An act prescribing the duties of the auditor and treasurer of state relative to the receipt, safe-keeping and disbursement of public moneys and accounting therefor," passed April 8, 1856, and all other laws or parts of laws inconsistent herewith, be and the same are hereby repealed; provided, however, that all crimes or offences committed against the provisions of any of the said acts which are hereby repealed, and all causes of action, or rights growing out of them, as well as all prosecutions and actions at law now pending under them, shall be prosecuted to conviction or final judgment, as if this act had not been passed, and shall in no wise be affected by this act.

**53 Laws, 222.**

**Proviso as to offences.**

**Takes effect.**

**Sec. 29.** This act shall take effect from and after the fourth day of July next.

**WILLIAM B. WOODS,**  
*Speaker of the House of Representatives.*  
**MARTIN WELKER,**  
*President of the Senate.*

April 12, 1858.

#### AN ACT

Making appropriations for the year one thousand eight hundred and fifty eight, and for the first quarter of the fiscal year 1859.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the following sums in addition to former appropriations, be and the same are hereby appropriated out of any money in the state treasury for general revenue purposes, to be paid on the warrant of the auditor of state, for the year one thousand eight hundred and fifty-eight, and the first quarter of the fiscal year 1859:

**State officers.** For the payment of the salaries of the governor, auditor, treasurer and secretary of state, the attorney general, state commissioner of common schools, and librarian, nine thousand seven hundred dollars.

**Judges.** For payment of the salaries of the judges of the supreme court, of the court of common pleas, judges of the superior court of Cincinnati, Montgomery and Franklin counties, forty-five thousand dollars.

**General Assembly.** For the payment of the lieutenant governor, members of the general assembly, their clerks, assistant clerks, sergeant-

at-arms, their assistants and messenger boys, twenty-five thousand six hundred dollars.

For contingent fund of the governor, one thousand dollars.

Governor's  
contingent  
fund.

For contingent fund of the auditor of state, two thousand dollars.

Auditor's.

For postage of the auditor of state, five hundred dollars.

(Postage.)

For contingent fund of the treasurer of state, two thousand five hundred dollars.

Treasurer's.

For contingent fund of the secretary of state, two thousand five hundred dollars.

Secretary's.

For contingent fund of the attorney general, one thousand dollars.

Attorney gen-  
eral's.

For contingent fund of school commissioner, one thousand two hundred dollars.

School com-  
missioner's.

For contingent fund of state librarian, two hundred dol-  
lars.

Librarian's.

For salary of secretary of the governor, eight hundred and thirty-three dollars and thirty-three cents.

Clerks of stat<sup>e</sup>  
officers.

For salary of secretary of school commissioner, three hundred dollars.

For payment of clerks in auditor's office, seven thousand five hundred dollars.

For payment of clerks in treasurer's office, two thousand eight hundred dollars.

For payment of clerks in secretary of state's office, two thousand dollars.

For payment of salary of adjutant general and contingent expenses, three hundred and seventy-five dollars.

Adjutant gen-  
eral's salary.

For payment of salary of quarter master general and contingent expenses, five hundred and fifty dollars.

Quarter mas-  
ter's.

For salary of janitor of state house and contingent ex-  
penses, nine hundred dollars.

Janitor of  
state house.

For payment of chief engineer of heating apparatus and other hands employed, and necessary expenses, to be paid on the certificate of the acting commissioner of the state house, two thousand five hundred dollars.

Engineer of  
furnace, &c.

For the payment of guards, provisions, clothing and other expenses of the Ohio penitentiary, sixty thousand dollars.

Penitentiary.

For the payment of the salaries of the warden, deputy warden, clerk, physician, moral instructor, and assistant teacher of the Ohio penitentiary, four thousand five hundred dollars.

Warden, &c.

For the payment of costs of conviction and transportation of convicts to the Ohio penitentiary, seventeen thousand dollars.

Costs of con-  
viction, &c.

For the payment of salaries of superintendent, other officers and teachers of the asylum for the education of the idiotic and imbecile youth, two thousand dollars.

Asylum for  
idiots.

And for current expenses of said asylum, five thousand one hundred and twenty-five dollars.

For the purchase of fuel for the departments of state, four thousand dollars.

Fuel.



- Stationery.** For the payment of stationery for the use of the state departments, and other articles necessary for the general assembly, supreme court, and state officers, twenty thousand dollars.
- Distribution of laws, &c.** For the distribution of laws and journals, agricultural reports and legislative documents, five hundred dollars.
- Public arms.** For care of public arms, repairs and rent of building to store the same, one thousand dollars—to be paid on the certificate of the quarter master general.  
For the repair of arms heretofore authorized and tools for state armory, twelve hundred dollars.
- Taxes refunded.** For the payment of taxes refunded, erroneously assessed, one hundred dollars.
- Mileage of county treasurers.** For the payment of mileage of county treasurers in making their settlements for the year 1858, seventeen hundred and fifty dollars.
- Gas light.** For the payment to Columbus Gas Light and Coke Company for gas light for state house, two thousand four hundred dollars.
- Library.** For purchase of books and magazines for state library, and for binding periodicals, five hundred dollars.
- O. S. Reports.** For purchasing Ohio state reports, 5th and 7th volumes, eleven hundred and twenty dollars.
- Thos. Chapman.** For payment to Thomas Chapman for money expended in contesting election, thirty-two dollars and twenty-five cents; and for expenses of committee of the house of representatives visiting Dayton and Newburgh lunatic asylums, forty-six dollars.
- Visit to Dayton and Newburgh Asylums.**
- Messenger.** For compensation to messenger of supreme court at the rate of one dollar and fifty cents per day, to be paid on the certificate of the chief justice, the sum of three hundred dollars.
- Crier.** For compensation to crier of supreme court, to be paid on the certificate of the chief justice, nine hundred dollars, including arrearages of pay due him.
- Wolf scalps.** For payment of wolf scalp certificates, five hundred dollars.
- Legislative halls.** For taking care and putting in order legislative halls, to be paid on the certificate of the secretary of state, two hundred dollars.
- State board of agriculture.** For state board of agriculture, being proceeds of show licenses and escheated lands, the sum of four thousand and seven dollars and fifty-four cents; and for engravings as ordered by joint resolution, three hundred dollars, and for fitting up room in new state house for use of said board, five hundred dollars.
- O. L. Asylum.** For payment of the salaries of the superintendent, assistant physician, steward and matron of the central Ohio lunatic asylum, three thousand two hundred dollars; and for repairs, provisions and current expenses of said

asylum, twenty-two thousand eight hundred dollars; and for salary of moral instructor, two hundred dollars.

For the payment of salaries of superintendent, assistant physicians, steward and matron of the southern Ohio lunatic asylum, two thousand seven hundred dollars. S. L. Asylum.

For the repairs, improvement of grounds, provisions and current expenses of said asylum, twenty-five thousand dollars.

For furnishing bell, building ice house, five hundred dollars.

For the payment of salaries of the superintendent, assistant physicians, steward and matron of the northern Ohio lunatic asylum, two thousand seven hundred dollars. N. L. Asylum.

For salary of the moral instructor, two hundred dollars; and for the repairs, provisions and current expenses of said asylum, twenty thousand three hundred dollars.

For salaries of superintendent, steward, matron, physician and teachers of the deaf and dumb asylum, eight thousand seven hundred dollars; and for provisions, repairs and current expenses of said asylum, ten thousand and three hundred dollars. Deaf and Dumb Asylum.

For payment of the salaries of the superintendent, steward, matron, physicians and teachers of the blind asylum, six thousand dollars; and for repairs, provisions and current expenses of said asylum, eight thousand dollars. Blind Asylum.

For payment of the salaries of the officers of the Ohio reform school farm, and for provisions, clothing, feeding, lodging and educating the boys, ten thousand dollars, and for improvements to be made on the farm generally, and stocking the same, seventeen thousand dollars, and for contingent expenses, three thousand dollars. Reform school farm.

For printing, folding, stitching and binding for state departments, laws, journals, documents and other necessary work done in accordance with the laws of the state, twenty-five thousand dollars. Printing, &c.

For the payment of attorney's fees in the city of New York, on the certificate of the treasurer of state, five hundred dollars. Atty's fees.

For expenses of trustees of the benevolent institutions, five hundred dollars. Trustees.

For expenses of supreme court, to be paid on the certificate of the chief justice, five hundred dollars. Supreme court.

For the payment of salaries of members of the board of public works, four thousand five hundred dollars; for incidental expenses of the office of the board of public works, four thousand and five hundred dollars, for incidental expenses of the office of the board of public works, including salaries of secretary and assistant secretaries, furniture, record books, stationery, blanks, postage, and expenses of the board, one thousand dollars. Public works.

For the payment of salaries of resident engineers, seven thousand five hundred dollars.

For special superintendence, attorney's fees and incidental expenses, one thousand five hundred dollars.

For superintendence and repairs on section number three of the public works of Ohio, twenty thousand five hundred and fifty dollars.

For superintendence and repairs on the southern division of the Miami and Erie canal, forty-eight thousand dollars.

For superintendence and repairs on the northern division of the Miami and Erie canal, twelve thousand dollars.

For superintendence and repairs on the Western Reserve and Maumee road, two thousand two hundred dollars.

For work under contract prior to November 15, 1855, on the southern division of the Miami and Erie canal, to rebuild large stone culvert near Hamilton, three thousand one hundred dollars, to rebuild stone culvert on the 34th mile from Cincinnati, one thousand nine hundred dollars, to complete Little Auglaize aqueduct, one thousand dollars, for contract for graveling tow path, one thousand dollars.

To complete work contracted for in 1857, on the Miami and Erie canal, for rebuilding lock No. 8, north of Loramie's Summit, substituting stone for wood, eight thousand five hundred dollars, for completing safety gates at Lockport, five hundred dollars.

For superintendence and repairs on the northern division of the Ohio canal, from Roscoe to Cleveland, fifteen thousand five hundred dollars.

For completion of Yellow Creek and Little Cuyahoga feeder dams, five hundred dollars.

For superintendence and repairs on the Muskingum improvement, fifteen thousand three hundred dollars.

For superintendence and repairs on the Ohio canal between Roscoe and Walnut creek, fourteen thousand dollars.

For superintendence and repairs on the Hocking canal, six thousand dollars.

**Ferriage.** For payment of ferriage at Portsmouth, six hundred dollars.

**Damages.** For awards of damages, five thousand dollars.

For clearing out and enlarging feeders to Licking summit reservoir, twenty-five hundred dollars.

**Claims.** For claims which may be found due and settled by the board of public works, two thousand five hundred dollars.

**Deficiency.** To pay any deficiency that may occur in the appropriations for the public works the further sum of ten thousand dollars, no part of said sum to be expended without the concurrence of all the members of the board; provided, that no part of any sum herein appropriated for the public works shall be used for any other purpose than that specifically named in this act, and that the total amount paid for super-

**Proviso.**

intendence and repairs on any contract division as made at the time of letting the repairs by contract, shall in no case exceed for the fiscal year the amount of the contract price for keeping the same in repair on said contract division.

For finishing porticoes and steps to north and south sides of new state house building, and terrace steps to portico on the east side of the same, and for finishing cupola and dome, and for arches, flagging and platform in northwest courtyard, and for four entrance doors, and for cases for offices and shelving in law library, and for judges' bench and clerk's desk in supreme court room, and for doors and windows to room intended for clerk of house, and for lumber, hardware, &c., and for laying out grounds in state house yard, &c., and for trees, shrubbery, and planting the same, and for gravel walks, and for earth, sod, and sodding yard, and for finishing stairs to house and senate chambers, for paying bills for carpets and furniture for committee rooms and office rooms, for purchasing gas burners, for completing library rooms with iron cases, for furnishing library, and for iron fence and grading, one hundred thousand one hundred dollars; for the artesian well, three thousand dollars. The foregoing sums appropriated for state house purposes, &c, to be paid on the certificate of the acting commissioner and architect.

State house.

Artesian well.

For the payment of Shoedinger, Brown & Co., for flush hinges, work, locks, claims, &c., as per bills rendered, eighty-one dollars and eighty-six cents.

For the payment of Deshler ice company, thirty dollars.

For the payment of Randall & Aston for bill holders, seventy dollars.

For the payment of William Blackburn for storing public arms, two hundred and seventy-five dollars.

For the payment of Andrew Keatlien, late guard at Ohio penitentiary, one hundred and eleven dollars and thirty cents.

For the payment of E. S. Brooke, for rent of armory in Cincinnati, three hundred and seventy-seven dollars and fifty cents.

For the payment of Shoedinger, Brown & Co., for table flush rings, locks and work, fifty-eight dollars and eleven cents; for the payment of J. H. Riley & Co., five dollars and fifty cents for maps for senate chamber; for the payment of J. S. Osborn for bill rendered for carpeting, matting, &c., for senate chamber and hall of house, two hundred and thirty-eight dollars and fifty-two cents; for the payment of Felch & Riches for engraving maps of reform farm, fifty dollars; for the payment of Lindeman, & Ritz & Co., for ice, nine dollars; for the payment of expenses of committee of senate on benevolent institutions when visiting said institutions, one hundred and ten dollars; for the payment of Brotherlin & Halm for desk for reporter, twenty dollars; for the payment of expenses of committee on reform schools, visiting house of refuge and reform school farm, thirty dol-

To pay sundry persons named.

lars ; for the payment of Lindeman, Ritz & Co., for ice bill, twenty-five dollars ; for the payment of William Schouler and James H. Smith for publishing proceedings of legislature in Journal and Statesman, one thousand dollars ; for the payment of Joseph H. Riley & Co., for window shades, fixtures and putting up, fifteen dollars ; for the payment to A. Smyth, superintendent of common schools, seventy-five dollars, to purchase books and maps for superintendent's use, and room ; for the payment of interest due to banks for advances of money to the state, the sum of three thousand dollars to be paid on the certificate of the treasurer of state ; for the payment of damages to farm of Daniel Van Vorhis from the erection of water gate on the Ohio canal, near Nashport, in Muskingum county, seventy-five dollars ; provided, that the sum of eight thousand dollars of the amount appropriated to the central lunatic asylum, the sum of four thousand dollars of the amount appropriated to the northern lunatic asylum, the sum of four thousand dollars of the amount appropriated to the southern lunatic asylum, the sum of three thousand dollars of the amount appropriated to the deaf and dumb asylum, and the sum of three thousand dollars of the amount appropriated to the blind asylum, for the current expenses of said institutions, is hereby appropriated to be paid on the first quarter of the fiscal year of 1859 ; for paying the indebtedness of the northern Ohio lunatic asylum incurred previous to November 1st, 1857, twelve thousand six hundred and sixty-two dollars and sixty-six cents ; for the payment of B. A. Wendeln, treasurer of Auglaize county, four hundred and sixteen dollars and seventy-eight cents, for balance due said county on school fund.

Interest to  
banks.

Proviso as to  
asylum appro-  
priations.

N. L. Asylum.

Treasurer of  
Auglaize  
county.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

#### AN ACT

For the regulation of the Public Works of the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the public works of the state shall be divided into divisions as follows: Division number one shall consist of the Miami and Erie canal, from the Indiana State line, including the Junction, to Lake Erie; the Ohio canal from Cleveland to the lower lock in Lockville, Fairfield county, including the town of Carroll; and the Western Reserve and Maumee road.

Division of  
public works.  
No. 1.

Division number two shall consist of the Ohio canal and No. 2.  
feeders from the lower lock in Lockville, Fairfield county, to  
Portsmouth, in Scioto county, the Walhonding canal, the  
Muskingum Improvement, and the Hocking canal.

Division number three shall consist of the Miami and No. 3.  
Erie canal from Cincinnati to the south line of the village  
of Junction, in Paulding county, and the Mercer, Loramie  
and Lewistown reservoir and the Sidney feeder.

SEC. 2. Each member of the board of public works in  
office on the second Tuesday of February of each year, and  
after the member of said board whose term of office begins  
on the second Tuesday of February, one thousand eight  
hundred and fifty-eight, shall have been duly sworn in and  
qualified, shall be placed in charge of that division of the pub-  
lic works nearest to which he shall reside, as the acting com-  
missioner thereof, and he shall be held responsible to the full  
extent of his power and authority, for the due and faithful  
performance and discharge of his duties as such acting com-  
missioner; and each member of said board hereafter elec-  
ted, shall be placed in charge of that division which was  
under the charge of the retiring member, whose place in said  
board such newly elected member shall be chosen to fill;  
provided, that whenever, in the judgment of all the members  
of the board of public works, the interests of the state may  
require it, the divisions of the public works, as herein defined,  
may be altered, and such other divisions formed as in the  
judgment of said board the public good may require.

SEC. 3. The board of public works shall consist of three  
members, each elected for the period of three years, and  
whose term of office shall commence on the second Tuesday  
of February next after said election. There shall be elected  
annually hereafter, at the annual election on the second  
Tuesday of October, one member of said board of public  
works, to hold his office as prescribed in this section; each  
member of said board shall, before entering upon the duties  
of his office, take an oath or affirmation to support the con-  
stitution of the United States and of the state of Ohio, and  
honestly and impartially to discharge the duties of his office,  
and shall also give bond with good and sufficient security, to  
be approved by the governor, in the penal sum of not less  
than thirty thousand dollars, conditioned for the faithful and  
honest discharge of the duties of his office, and for the faith-  
ful paying over of all money which may come into his hands,  
according to law; which bonds, with the approval of the gov-  
ernor indorsed thereon, shall be filed with the treasurer of  
state. The members of the board of public works shall des-  
ignate one of their number to act as president of said board,  
who, in addition to his duties as acting commissioner, shall  
perform such duties as are, or shall be required by law of the  
president thereof; said board shall keep an office at the seat  
of government, in which shall be kept all the books, papers,

On second  
Tuesday of  
February each  
year that di-  
vision nearest  
which a mem-  
ber of board re-  
sides is to be  
placed in his  
charge, as act-  
ing commis-  
sioner thereof.

Successor of  
member suc-  
ceeds to his  
division.

Divisions may  
be altered.

The board of  
public works  
to consist of  
three members  
—their term of  
office.

One elected  
each October.

Oath and bond

President of  
board—his  
duties.

Office to be  
kept at seat of  
government.

Notices and reports.

records, and other documents of said board, which shall be open to the inspection of all persons interested at all reasonable times; and all notices or reports required by law to be given to said board by any of the officers of the state of Ohio, when left in writing at said office, or deposited with any person who may have charge of the same, shall be considered as having been given or made to said board. Said office shall be under the charge of the president of said board, who shall have the custody of the records, books and papers connected with the department of public works, shall conduct its correspondence in the name of said board, and do and perform such other duties as may be prescribed by said board or by law.

Revenue from public works to be paid into state treasury.

Payments on account of public works; how made and when.

Check, how made and what to set forth.

Registry of checks and certificate.

Collectors of tolls to collect water-rents.

SEC. 4. All moneys derived from tolls on the canals, turnpikes, or other improvements of the state, as well as all moneys derived from leases of water power, or the sales of land held by the state for canal purposes, or from any other source appertaining to the interest or management of the public works of the state, shall be paid into the state treasury, in the manner directed by law; and all payments of money, whether in the nature of awards, or for superintendence, or repairs of the canals, turnpikes, or other improvements under the care and supervision of the board of public works, or for any other object or purpose authorized by law, shall be made by the check of one of the acting commissioners, on the auditor of state, whose duty it shall be to issue his warrant on the state treasury, for the amount specified in said check, and to charge the same to the particular work or improvement on which the expenditure arose. No check shall be made until after the consideration on which it is based shall have been actually rendered; and every check shall be made in the name of the particular person to whom the money is due, and shall set forth with as much detail as proper brevity will admit, the nature of the indebtedness, whether incurred for materials, labor, superintendence, or otherwise, and to what object, and at what point said materials, labor, or superintendence were applied. Every check shall distinctly set forth the specific appropriation which authorizes its payment, and shall be accompanied with a certificate of the superintending engineer, which shall name the person or persons to whom there is indebtedness, and state the particular work on which it occurred, and the location thereof, and whether by contract or otherwise. The check and certificate herein required, shall be registered in books, one to be kept by the engineer, and one by the commissioner.

SEC. 5. Collectors of tolls shall, in addition to such other duties as may, from time to time, be required of them, collect all water-rents due the state, or hereafter to become due, and make such return of such collections, and pay over all moneys thus collected, in the same manner, and at the same

time, they are by law required to make return of and pay over the tolls by them collected; and it is hereby made the duty of the president of the board of public works to furnish the auditor of state attested copies of all leases for water power which are now in force; and thereafter, from time to time, to furnish said auditor attested copies of all new leases, and of all renewals or modifications of those now in force, within thirty days after such lease, renewal or modification shall be made by said board. And it shall also be the duty of said board, within the time above prescribed, to furnish attested copies of said original leases, renewals or modifications, to each collector of tolls, on whom the duty of collecting the water rents therein provided, is imposed.

SEC. 6. There shall be appointed five resident engineers, at an annual salary of fifteen hundred dollars; two of said engineers shall be assigned to division number one, two to division number two, and one to division number three; said engineers shall be governed by such rules and regulations, not contrary to law, as the board may, from time to time, prescribe. The term of office of said engineers shall commence immediately after their appointment. Each member of said board shall appoint all subordinate officers on his division. Engineers, collectors, superintendents, gate keepers, inspectors, weigh-masters, deputy weigh-masters and lock-tenders, whose term of office shall commence immediately after their appointment in 1858, and thereafter on the first Monday of April, in each year, and be for one year, and until their successors are appointed and qualified. Every person appointed to office under the provisions of this act, may be removed at any time before the expiration of his term, by the person or persons from whom such officer holds his appointment, for neglect of duty or other malfeasance in office. All of the last enumerated officers shall be governed by such rules and regulations as the board may prescribe, not inconsistent with law; they shall receive such compensation as is hereinafter prescribed. Every officer appointed under the provisions of this act, shall, before entering on the duties of their office, take and subscribe an oath that he will faithfully and diligently discharge all the duties appertaining to his appointment, and promote to the extent of his ability the interest of the state, so far as the same may be legally in his power. Every collector or other officer, in anywise interested with the collection or disbursement of tolls, or other revenue pertaining to the public works, shall, previous to assuming the duties of his appointment, give bond to the state of Ohio for the faithful discharge of the duties of his office, which said bond shall be made to the acceptance of the acting commissioner who has in charge that division of the public works in which said officer is located, and having been approved, shall be immediately deposited in the office of the auditor of state. Said bond shall be made in such penal

President of board to furnish to auditor of state copies of leases of water-power.

Also to collectors of tolls.

Resident engineers—appointment, salary, and how assigned.

Who appoints subordinate officers.

Their terms.

May be removed.

Oath.

Bond



sum as may be ordered by the board of public works; provided, it shall in no case be less than fifty per cent. of the amount of public moneys collected or disbursed by the same officer in the preceding year, and shall be conditioned for the faithful collection, disbursement, paying over and accounting for all moneys which shall come into his hands, belonging to the state.

Sec. 7. There shall be elected by said board, after the taking effect of this act, a secretary to said board, whose term of office shall commence immediately, and continue until March, 1859, and thereafter said appointment shall be for one year; said secretary shall receive an annual salary of one thousand dollars; said board shall appoint such number of clerks, either temporarily or for one year from the first Monday of March in each year, as the public service may require, and pay them such reasonable compensation for their services as said board may deem just and reasonable; said secretary shall be subject to removal by a majority of said board, at any time, for neglect of duty or other malfeasance in office.

Sec. 8. It shall be the duty of said board, when assembled together in their official capacity, to keep a correct and complete journal of the proceedings, which shall at all times be subject to the inspection of the general assembly, or either branch thereof, or any committee of the same, or of either branch thereof, or of any officer of the state, or of any person authorized by law to examine the same, or of any person who may be interested in any of the proceedings of said board.

Sec. 9. It shall be the duty of said board, at least ten days before the assembling of the general assembly, annually to report to the governor, to be by him transmitted to the general assembly along with his message, a full and accurate account of all money expended on each of the public works under their charge during the year ending on the fifteenth day of November next preceding said report, the value of work contracted for during such year, the amount of money expended or allowed over and above the contract price, and the total value of all work under contract remaining to be executed, estimated in each case at contract prices, together with the estimated cost of all works under their charge in progress of execution, with such other information in relation to the public improvements, as they may deem useful to the general assembly. They shall also report the revenue derived from each of the public works, by tolls and other sources, how the same are levied, the manner of their collection, together with an estimate, if any be necessary, of such appropriations as may be required to reconstruct and keep in repair the public works of the state under their charge.

Sec. 10. The said board shall, in their annual report,

Same.

give a list of all resident engineers, assistant engineers, collectors of tolls, weigh-masters, deputy weigh-masters, inspectors, superintendents of repairs, lock-tenders, gate-keepers and clerks, who may have been in the employ of said board during the year preceding said report, together with the amount of salary, allowance or perquisites paid to each; whether such salary, allowance and perquisites are fixed by law or allowed by the board or an acting commissioner; and also the amount paid and allowed for their own salaries, and the contingent expenses of their office.

SEC. 11. No member of the board of public works, engineer, collector of tolls, weigh-master, inspector, lock-tender, superintendent, gate-keeper, secretary or clerk, or any other person holding office under said board during the location or construction of any canal or feeder, shall become interested, either by contract or purchase, directly or through another, in any lands, town lots or water privileges for hydraulic purposes, on or adjacent to any such canals or feeders, under the charge of said board, until after the expiration of his term of office, or be engaged or concerned, either directly or through another, in any contract for construction, labor or supplies of any kind or description. Every person found guilty of violating the provisions of this section, shall, on conviction thereof in any court of competent jurisdiction, on indictment or information, be adjudged to pay a fine of not less than one hundred dollars nor more than one thousand dollars, and shall forfeit his office. Every person appointed to office according to the provisions of this act, shall receive a certificate thereof, signed by the person or persons from whom such appointments were received, attested by the seal of said board of public works, and a record of such appointments shall be kept in the office of said board.

SEC. 12. Superintendents of repairs shall each receive an annual salary of seven hundred and twenty dollars. The collectors of tolls shall each receive an annual salary as follows: At Cleveland, fourteen hundred dollars; at Akron, eleven hundred dollars; at Massillon, six hundred and fifty dollars; at Dover, six hundred dollars; at Roscoe, seven hundred dollars; at Dresden, five hundred and fifty dollars; at Zanesville, eight hundred dollars; at Newark, eight hundred dollars; at Carroll, seven hundred dollars; at Columbus, six hundred and fifty dollars; at Circleville, six hundred dollars, at Chillicothe, eight hundred dollars; at Portsmouth, eight hundred dollars; at Cincinnati, fourteen hundred dollars; at Hamilton, five hundred and fifty dollars; at Middletown, five hundred dollars; at Dayton, eight hundred and fifty dollars; at Piqua, eight hundred dollars; at St. Marys, six hundred and fifty dollars; at Delphos, five hundred dollars; at Defiance, fourteen hundred dollars; at Maumee city, six hundred dollars; at Toledo, fourteen hundred dollars; at

Penalty for violation of this section

Penalty for violation of this section

Certificate of appointment to office

Record of public works

Salary of superintendents of repairs. Of collectors of tolls.

Of weigh-  
masters.

Of deputy  
weigh-masters  
Of inspectors.

When and  
how paid.

Auditor of  
State to cause  
abstracts and  
act's of collec-  
tors for the last  
season to be  
examined and  
compared, &c.

Duties of board  
as to leases of  
water power  
and rents.

McConnellsville, five hundred dollars; at Harmar, six hundred dollars; and at Logan, six hundred and fifty dollars. Weigh-masters at Toledo and Cleveland shall each receive an annual salary of six hundred dollars. Deputy weigh-masters at Toledo and Cleveland, shall each receive an annual salary of five hundred dollars. Inspectors shall receive an annual salary as follows: At Toledo and Cleveland, four hundred and fifty dollars; at Portsmouth and Dayton, six hundred dollars; at Cincinnati, seven hundred dollars; at Zanesville, four hundred and fifty dollars, at the Junction, in Paulding county, four hundred and fifty dollars. The salaries allowed by law to the members of the board of public works, resident engineers, and superintendents, shall be paid in quarterly installments, at the close of each quarter, out of the treasury of the state, upon the warrant of the auditor of state. Each collector shall deduct the amount due them, and the weigh-masters, deputy weigh-masters, and inspectors, from the amount received at the said office for tolls, fines and water rents due the state at the end of each month, forwarding with his account the proper vouchers therefor to the auditor of state.

SEC. 13. It is hereby made the duty of the auditor of state to cause all the rolls, abstracts, and accounts of the collectors of tolls upon the canals and slack-water improvements of this state, for the last season of navigation, to be thoroughly examined and compared with each other, so that any discrepancy between the amounts credited by the collectors receiving any moneys, and the check kept by any other collector shall be ascertained; and in case of any such discrepancy, the clearance upon which said moneys purport to have been received, shall be examined for the purpose of ascertaining the true amount received; and if the said auditor shall, after having ascertained the state of the accounts for the last season, deem it for the interest of the state to examine and compare as above, any part, or all of the rolls, abstracts and accounts, for previous years, he is hereby authorized to cause such examination to be made, and also for each ensuing year, and for the purpose of such examination, if necessary, he is hereby authorized to employ an additional clerk for such time as he may find necessary.

SEC. 14. The board of public works are hereby authorized and required to make an examination of the leases of water-power upon or connected with any of the public works of this state, made by any of the lawful agents of this state, in cases where the lessees of said water-power, or any assignee thereof, may require it, and to adjust and fix the rents in arrear to be paid by such lessees or assigns, at such prices as they may deem just and equitable, and to cancel existing leases with the consent of the lessees or assigns, or when forfeited, where they shall deem the interest of the state will be promoted thereby, and to shut off the water and prevent

the use thereof under any lease, when rent due upon said lease shall be in arrear for thirty days, or when the lessees or assigns refuse or neglect to put in, or permit to be put in, gauges, as required in their leases, and to keep the water shut off until such rent be paid, and such gauges put in.

SEC. 15. That it shall and may be lawful for said board of public works, and each member thereof, by themselves, and by any and every superintendent, agent, and engineer employed by them, to enter upon and take possession of and use, all and singular, any lands, waters, streams, and materials necessary for protecting and keeping in repair the public works under the charge of said board, and to make all such feeders, dykes, reservoirs, locks, dams, and other works and devices as they may think proper, for perfecting and keeping in repair the public works under their charge, doing, nevertheless, no unnecessary damage.

May take property of citizens for public use.

SEC. 16. In all cases when property shall be taken as provided in the preceding section of this act, and when the board, or the acting members thereof, and the owner of such property, cannot agree upon the price to be paid for the same, the board of public works, or any member thereof, shall deliver to the owner of such property, or to his guardian, if such owner be a minor, idiot or insane person, a description of the property intended to be appropriated, or which, in case of public exigency has been previously appropriated, stating in such notice the time when the value of such property will be assessed, and file a copy thereof with the clerk of the court of common pleas of the county wherein such property, or any part thereof, shall be situated, and shall deposit with the treasurer of state, such sum of money as the member having charge of such division shall deem such property worth, taking duplicate certificates thereof, one of which shall be deposited with the clerk of said court, and the other retained by said member, which sum, so deposited, shall be kept by said treasurer until the determination of said suit. If, however, the owner of such property shall, at any time previous to the trial of said case, signify his willingness to accept the amount so deposited, in satisfaction of such damages, said member shall pay to such owner said amount of money, and the fee simple of such property shall thereafter be vested in the state of Ohio. If the owner, or his or her guardian, be unknown, or reside without the state of Ohio, the board of public works shall publish in some newspaper of general circulation in said county, for the term of thirty days, a notice, the same as that filed with said clerk, and stating the intention of said board to appropriate said property, or that such property has been appropriated, as the case may be. Upon filing such description, and delivering such copy, or making such publication, the said clerk, on the application of said board, or any mem-

Proceedings in such case.

ber thereof shall, with the sheriff of said county, proceed to select a jury of five persons, in the same manner that petit jurors are now selected in the court of common pleas, and shall immediately issue his venire, directed to the sheriff of his county, to the jurors so selected, commanding them, on the day to be specified in the notice aforesaid, to appear, and on personal view to examine and determine the value of such property, to seize or intended to be seized as aforesaid.

Same.

Sec. 17. Before entering upon the duties of their appointment, the said jurors shall, severally, take an oath or affirmation, before some person qualified to administer oaths, faithfully and impartially to perform the duties required of them by this act; and it shall be the duty of said jurors, or a majority of them, to make a just and equitable estimate and appraisal, of the loss or damages; and the said jurors or a majority of them, shall make regular entries of their determination and appraisal, with an assessment and sufficient description of the property appropriated for the purposes aforesaid, in a book or books, to be provided and kept by the board of public works for that purpose, and certify and sign their names to such entries and appraisals. The said jurors shall examine under oath, and [any] witnesses who may be offered by the parties in the case, and may have power to examine under oath, any witnesses they may deem necessary to a full understanding of their duties; and either party may appeal from the decision of such jury to the court of common pleas of the proper county, on giving notice to the opposite party, and filing with said clerk a bond, with sufficient security, to be approved by said clerk, conditioned for the payment of the costs in the court of common pleas; said bond and notice to be filed within twenty days after said jury shall have rendered and recorded their verdict; and trial shall be had in said court of common pleas at the first term after filing said bond with the clerk, if the same shall be filed thirty days before the sitting of the said court, unless, for good cause shown by either party, said cause shall be continued. If the said applicant for damages, appeal and recover no more in the common pleas than before said jury, he shall pay all costs accruing in said court; and if he recover before the jury first summoned, no larger amount than that tendered or deposited by said board, as required by said act, he shall likewise pay all costs.

Payment of  
damages.

Sec. 18. The said board of public works shall pay all damages finally assessed for property taken as aforesaid; and the fee simple of the premises so appropriated shall be vested in the state of Ohio; but if, in the opinion of said board, the damages assessed on property not previously appropriated, shall be too high to justify its appropriation for the benefit of the state, they shall have the right to pay the costs which have accrued, and refuse to appropriate the

same; and the said board of public works, or the acting member thereof on whose division such damages are awarded, is hereby authorized to make drafts on the treasurer of state, for all moneys necessary to enable said board to make such deposits, and pay such damages, as are provided for by this act, to be paid out of any money in the treasury appropriated for canal purposes. The said draft or drafts shall be accompanied with a full statement of the matter for which said money is wanted, and a copy of such statement shall be kept by such member of the board of public works, in a book to be by him kept for that purpose.

Sec. 19. The witnesses, clerk and sheriff, for the services required of them by this act, shall receive such fees as they are paid for like services in similar cases; and the jurors so selected as aforesaid, shall receive for the services required by this act, the sum of one dollar per day while engaged in such service; the attendance of witnesses before any such jury, shall be certified by them to the clerk who issued the venire in such causes; and it shall be the duty of the clerk to replace the names of such jurors as have been selected under the provisions of this act, so that they may stand in the same manner for service as jurors in the common pleas, as if they had not been drawn for the special service required by this act.

Fees on such proceedings.

Sec. 20. Either party shall have a right to challenge jurors for cause, and the panel shall be filled by the sheriff with talesmen as in other cases.

Right to challenge jurors.

Sec. 21. That in all cases in which it may be necessary for the said board of public works, by themselves or legally authorized agent, to let contracts for the performance of labor or the furnishing of materials, and for the construction of feeders, dykes, reservoirs, locks, dams, and other works and devices for perfecting and keeping in repair the public works under their charge, it shall be the duty of the acting member of said board, by the resident engineer having charge of the division of the public works upon which said labor is to be performed or materials furnished, to cause such general notice of the letting of said contracts, by publication in newspapers, and posting up advertisements, as will secure fair and general competition; which said notice shall contain a statement of the time, place and manner of receiving proposals for said contracts, and the character and magnitude of the work to be performed, the materials to be furnished, or both, if required, for the construction of the proposed work.

Notice of the letting of all contracts by the board; how given.

Sec. 22. That the said board of public works is hereby authorized to lease water-power on the several reservoirs of the public works, under such rules and regulations as are or may be prescribed by law for leasing water-power on the public works of the state.

Board may lease water-power.

Acts repealed.  
Swan's R. S.  
760.

Swan's R. S.  
764.

Swan's R. S.  
766.

Swan's R. S.  
776.

SEC. 23. That the act entitled "An act defining the powers and prescribing the duties of the board of public works," passed February 28, 1852, and section eight of an act entitled "An act to amend an act entitled an act to abolish the board of canal commissioners and to revive the board of public works, passed March 5, 1839, and the several acts supplemental and amendatory thereto, and for the better regulation of those having in charge the public works of this state," passed March 6, 1845; and sections two, eleven, twelve and fourteen of an act entitled "An act to abolish the board of canal commissioners, and to revive the board of public works," passed March 5, 1839; and the act entitled "An act to amend an act defining the powers and prescribing the duties of the board of public works," passed May 1, 1854, be and the same are hereby repealed.

SEC. 24. The term of office of all persons holding office upon the public works of this state, either by appointment of the board of public works, the governor, or otherwise, shall expire upon the taking effect of this act, and this act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 12, 1858.

#### AN ACT

To provide for the appointment of a commission to examine into the condition of the Treasury of the State of Ohio, and the causes of the late defalcation therein, the transactions between the State of Ohio and the Ohio Life Insurance and Trust Company, and for other purposes, and defining their powers and prescribing their duties.

Commission  
constituted.

Subject matter  
of investiga-  
tion.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That William D. Morgan, Alfred P. Edgerton and Charles Reemelin, are hereby constituted a commission to investigate all the transactions of the public agents who now have or who have heretofore had the custody, disbursement and control of the public moneys or of any part thereof, and particularly to inquire—1st. As to the accounts and official transactions of the late state treasurer, A. A. Bliss. 2d. As to the official accounts, transactions and conduct of the late treasurer, John G. Breslin. 3d. As to the official accounts, transactions and conduct of the late treasurer, William H. Gibson. 4th. As to the causes of the late defalcation in the treasury of the state, how and when it occur-

red, how the public moneys have been used or invested and what portion of such investments, if any, can be reached by the public authorities of the state. 5th. As to the condition of the Canal Bank of Cleveland and the Seneca County Bank, their management, and the causes of the failure by the present treasurer of state to redeem their circulation. 6th. As to the condition of the securities deposited by the Seneca County Bank with the treasurer of state, and as to what measures have been or ought to be taken to recover such part of them as have been embezzled or misapplied. 7th. As to the transactions between the state of Ohio or any of its official agents and the Ohio Life Insurance and Trust Company, and also into the causes of the late disastrous failure of that institution. 8th. To make a careful examination into the nature, condition and sufficiency of the bonds and securities deposited with the auditor and treasurer of state for various purposes. 9th. To examine into the late sale of Ohio Stocks, the real purchasers thereof, and the causes of their depreciation in the market at the time of such sale.

SEC. 2. It shall be the duty of the said commissioners, if they shall ascertain where any of the moneys of the state are loaned or invested, or where any securities deposited by any bank or otherwise have been sold or pledged without authority of law, or where the said commissioners shall discern any other facts which will enable the state to recover for itself or for any trust fund any portion of the moneys or public securities which have been embezzled or misapplied, to immediately notify the governor and attorney general thereof, who shall thereupon proceed to cause such proceedings to be had as will secure to the state any such moneys or securities or the proceeds thereof.

Duty of commissioners.

SEC. 3. The said commissioners shall, before entering upon the discharge of their duties, take an oath of office, a majority of them shall be a quorum for business, and they may elect one of their number president of the board, but no meeting of said commissioners shall be held for the transaction of business without all of said commissioners shall have been first duly notified of the time and place of meeting; they shall be authorized to examine such of the offices, books and papers as they may deem necessary and proper, and also to compel the attendance of persons and the production of books and papers, and any member of said commission may be examined as a witness by or at the instance of the other members thereof, or either of them, touching any of the matters said commission is authorized by this act to make inquiry into.

Their oath, quorum.

President of the board.

All the members to be notified of meetings before held.

Their powers and duties.

SEC. 4. The said board is authorized to employ a clerk or accountant, if they deem it necessary, at a compensation not to exceed three dollars per day and five cents per mile for

Their clerk—his compensation.



<p>Their authority as to oaths and process.</p> <p>Who may serve process.</p> <p>Power to punish for contempt.</p> <p>Their report.</p> <p>Their compensation—how paid.</p> <p>Expenses; how paid.</p> <p>Appropriation.</p> <p>When act takes effect.</p>	<p>necessary travel, and each member is authorized to administer oaths and to issue process to compel the attendance of witnesses, which may be served by any sheriff, deputy sheriff, sergeant-at-arms of either branch of the general assembly, or any other person appointed by said commissioners.</p> <p>SEC. 5. Said commissioners shall have all the powers of a court of record to punish, by fine and imprisonment, any person for disobedience to its process, refusal to testify, or other contempt of its authority.</p> <p>SEC. 6. The said commissioners shall, as soon as their examinations are concluded, report the same to the governor of the state, who is hereby directed to cause the same to be printed forthwith.</p> <p>SEC. 7. The said commissioners shall each receive the sum of four dollars per diem for each and every day actually occupied in the discharge of their duties, and also five cents per mile for necessary travel, which shall be paid out of the state treasury on the warrant of the auditor of state. The per diem of their clerk and the expenses of serving process, and the attendance of witnesses, shall be paid in like manner upon the requisition of the president of the board.</p> <p>SEC. 8. The sum of three thousand dollars is hereby appropriated to pay the current expenses incident to the execution of this act. And this act shall take effect from and after its passage.</p>
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WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

#### AN ACT

To provide for the more expeditious completion of the New State House, prescribing the order in which it shall be done.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a board shall be constituted, denominated the commissioners of the state house, composed of three persons, to be appointed by William Kennon, Asahel Medberry, and William B. Caldwell, under whose direction and authority the further prosecution of the work in the completion of the new state house in the city of Columbus shall be continued and carried on.

SEC. 2. The said commissioners of the state house so appointed, shall severally hold their offices for the term of two years, and until their successors shall be duly appointed and qualified, unless the new state house shall be sooner com-

pleted. And before entering upon the discharge of their duties, each of them shall take an oath or affirmation, to discharge faithfully and diligently his duties. And in case any vacancy shall occur in said board, it shall be filled by the said William Kennon, Asahel Medberry and William B. Caldwell. And in the appointment of the commissioners of the state house, one of the commissioners shall be designated as the president and acting commissioner of the board.

Oath.

Vacancy.

President and acting commissioner.

SEC. 3. Said commissioners of the state house shall appoint some competent and suitable person as architect, who shall also be the superintendent and inspector of all work and materials performed on, or procured for new state house. He shall hold his appointment during the pleasure of the commissioners, but may be removed by joint resolution of the general assembly.

Architect.

SEC. 4. Every contract for work and materials for said new state house shall be in writing; shall contain a clause that the execution of the work, or the delivery of the materials contracted for, may at any time be suspended by order of the general assembly or of the commissioners, without subjecting the state to the payment of any damages on account of such suspension; shall be signed on behalf of the state by the acting commissioner, and by the architect, and approved by the advisory commissioners, and a copy thereof deposited in the office of the secretary of state.

Contract for work and materials.

SEC. 5. The commissioners shall, as soon as practicable after the first appointment under this act, cause the plans heretofore adopted for the construction of the new state house, the building as it now is in the course of construction, the work partially or wholly executed thereon, and materials delivered therefor, to be examined by at least two skillful and experienced architects, in conjunction with the architect of the new state house, to be selected by them, and obtain their opinion, in writing, as to the fitness of such plans, the character, propriety and value of such work and materials, and as to the best and most advisable plan for executing and completing the work yet remaining to be done, having especial regard to the durability, fitness, usefulness, and economy of such work. Said architects shall be paid a reasonable compensation for their services, to be allowed by said commissioners.

Former plans, &amp;c., to be examined by two architects.

SEC. 6. It is hereby made the duty of the warden and directors of the Ohio penitentiary, to place at the disposal of the state house commissioners the convict labor of the prisoners, where the same can be advantageously employed, and that which can be spared from the ordinary work of the prison; which labor shall be appropriated as the commissioners shall order, but under the supervision and control of the warden of the penitentiary.

Convict labor to be at disposal of state house commissioners.

SEC. 7. The said commissioners shall have power to appoint a secretary, and all other agents necessary for the

Secretary and agents.

successful prosecution of the work committed to their charge, who shall receive a reasonable compensation for their services, out of the state house fund, to be fixed and allowed by said commissioners, said secretary and agents to hold their appointment at the pleasure of the commissioners, or a majority of them.

Contracts exceeding sum appropriated by \$25,000, void.

SEC. 8. No contract, either for labor or materials, shall be made by said commissioners, or either of them, or by the architect, requiring the payment of any sum or sums of money, which, when added to the amount to be paid on contracts previously made, and other expenditures, will exceed the sum appropriated in any one year, by more than twenty-five thousand dollars; and all contracts made in violation of this section, shall, as to the state, be utterly null and void.

The president's duties.  
The secretary's.

SEC. 9. The president or acting member of the board, shall, when present, preside at all meetings of the board, and shall sign all official documents; the secretary shall keep a full and true record of all the proceedings, and an account of all money and labor appropriated and expended, an account of the expenses of each commissioner, the name and compensation of each agent by them employed, or under their control, the kind of service performed, the total amount expended during the past fiscal year; and annually, by the 15th day of December, report the same to the governor; and in addition to the foregoing, they are required to set forth in the said annual report, the total amount or cost of the said state house up to the time of making such report. And it shall be the duty of the governor to lay the same before the next general assembly in session.

Annual report to governor.

His duties in relation thereto.

Superintendent of state house.

His duties and compensation.

SEC. 10. The commissioners of the state house shall appoint a superintendent to take charge of and keep in order and condition for use, that part of the state house which has been completed, and perform such duties in superintending the same, as may be prescribed by the board; and the superintendent shall receive as a compensation for his services, out of the state house fund, as the board may order and direct; and the office of janitor heretofore created, is hereby abolished.

Janitor's office abolished.

Oath of secretary, architect and superintendent.

Architect's powers and duties.

SEC. 11. The secretary, architect and superintendent, appointed by the board, shall each take an oath of office; and the architect, under the direction of the board, may contract for and procure all the materials proper for the construction of the new state house; he shall, in like manner, contract for all labor and workmanship, necessary for the same, excepting such as may be furnished by the Ohio penitentiary, under the provisions of this act; he shall superintend the erection of said work, and inspect all materials and workmanship, so as to secure to the state, a building of durable and substantial character; he shall certify to all accounts for labor done, or for materials furnished, which accounts

How accounts certified, countersigned and paid.

shall be countersigned by the secretary, and paid by the treasurer.

SEC. 12. The acting commissioner and architect shall receive a reasonable compensation out of the state house fund; the amount to be fixed and determined by the commissioners aforesaid.

Compensation of acting commissioner and architect.

SEC. 13. That the act entitled "an act to provide for the prosecution of the work on the new state house, prescribing the order in which it shall be done, and making appropriations therefor," passed April 8, 1856, be and the same is hereby repealed, and the offices created thereby, hereby abolished. This act shall take effect and be in force from and after its passage.

Act repealed and office abolished.

53 Laws, 166.

Act takes effect when.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

#### AN ACT

To cancel the contract for the enlargement of the Lewistown Reservoir.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the purpose of ascertaining the actual cost of constructing the enlargement of the Lewistown reservoir, as directed by the act entitled, "an act to provide for the enlargement of the Lewistown reservoir," passed April 7, 1856, the auditor of state, attorney general, and secretary of state, are hereby authorized and directed, within ninety days after the passage of this act, to settle and adjust, with the "Miami Hydraulic and Manufacturing Company," all their accounts for the construction of said reservoir, including reasonable salaries or compensation for superintendence of the work thereon, and interest on payments actually made by said company or its assignors, at the rate of six per cent. per annum; and for that purpose, they shall view and examine the premises and work in question, and shall have power to compel the attendance and to examine witnesses under oath. They shall also have power to compel the attendance, and to examine under oath, all the individual members of said company, and to compel the production of all books, vouchers, plats, estimates, accounts and other documents, held or used by said company, and relating to, or showing, or tending to show, the actual cost of said construction.

Auditor, attorney general and secretary of state to settle accounts for the construction of the reservoir.

To examine premises and work.

Their power as to witnesses, books, &c.

SEC. 2. Said auditor of state, attorney general, and secretary of state, shall also ascertain the actual amount received by said company or their assigns from the lease or

Their further duties.

- Proviso.** sale of surplus water from said reservoir, or from the Miami and Erie canal, and shall charge the same to said company with interest, from the time the same was received, and shall deduct the same from the amount of any indebtedness that may be found to remain in favor of said company after paying the claims as hereinafter directed, and the net balance found due said company, shall be paid on the warrant of the auditor of state, issued upon the certificate of said auditor, attorney general, and secretary of state; provided, that the whole cost to the state shall not exceed the amount herein appropriated, and no payment shall be made of the moneys so appropriated, until the said auditor, attorney general, and secretary of state, shall have secured to the state the full surrender of all rights and claims under said contract.
- Payments directly to persons whom company owes for work and materials.** SEC. 3. If it shall be found, upon investigation, that said company is indebted to any person or persons, for labor or work upon, or for materials used in the construction of said reservoir, the same shall be paid directly to such person or persons, by the auditor of state drawing his warrant upon the treasurer of state, in the name of such person or persons, for the sum due him or them, with interest thereon, from the time the same became payable, and the receipt of such person or persons shall operate as the extinguishment of so much of the cost of the construction of said reservoir, and shall forever discharge and acquit the said company of all indebtedness to such person or persons.
- Effect of receipts of such persons.** SEC. 4. Upon the final settlement of all claims for the construction of said reservoir, and the payment thereof, the contract of said Miami Hydraulic and Manufacturing company, and of its assignors, with the board of public works, made under and in pursuance of said act of April 7, 1856, shall be void and of none effect; and all leases made, and rights acquired thereunder by said company, to all intents and purposes, shall vest in and be enjoyed by the state of Ohio, and the board of public works, on being notified by the attorney general of the final settlement of all claims as herein provided, shall take possession of said reservoir and its appurtenances, shall contract for and collect all water rents arising out of the lease of the surplus water of the same, or of the Miami and Erie canal, the same as if said contract had never been made. The said board of public works shall also proceed, as soon as possible, to condemn to the use of the state, according to the provisions of law, for that purpose, all lands within the limits of said reservoir to which the state has not already acquired title.
- Effect of settlement and payment of claims for construction of reservoir.** SEC. 5. In order to carry out the provisions of this act, there is hereby appropriated, out of any money in the treasury not otherwise appropriated, the sum of ninety thousand dollars, or so much thereof as may be necessary, to be drawn upon the warrant of the auditor of state, upon the certificate of said auditor, attorney general and secretary of state.
- Board of public works to be notified of settlement—their duties.**
- Appropriation to carry out provisions of this act—how drawn.**

And this act shall take effect and be in force from and after its passage.

SEC. 6. Said auditor of state, attorney general, and secretary of state, shall each be re-imbursed their traveling expenses in making said investigation and settlement, which shall be paid out of the treasury on the warrant of the auditor.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 12, 1858.

When act takes effect.

Traveling expenses to be refunded to auditor, attorney general, and secretary.

#### AN ACT

To fix the salaries of Judges in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all counties of this state, having a population of two hundred thousand inhabitants or upwards, the judges of the court of common pleas hereafter elected therein, shall receive, in addition to the salary now paid to them out of the state treasury, the sum of five hundred dollars per annum, to be paid to them out of the county treasury in the same manner and at such times as is provided by law for the payment of the salaries of judges out of the state treasury.

Additional salary—to what common pleas judges and how and when paid.

SEC. 2. It shall be the duty of the commissioners of such counties to levy a tax on all the taxable property in the county, sufficient to make up the amount of such salaries annually, for the purpose of providing for the funds necessary to pay such additional salaries.

Tax for additional salaries.

SEC. 3. That each judge of the supreme court hereafter elected, shall receive a compensation for his services the sum of three thousand dollars a year, payable quarterly out of the state treasury on the warrant of the auditor of state.

Salary of Judges of supreme court hereafter elected.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 12, 1858.

## AN ACT

To tax the property of Banks and Bankers, so as to require all property employed in banking to bear a burden of taxation equal to that imposed on the property of other persons.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of the president and cashier of every bank or banking company that shall have been or may hereafter be incorporated by the laws of this state, and having the right to issue bills for circulation as money, to make out and return under oath, to the auditor of the county in which such bank or banking company may be situated, in the month of May annually, a written statement containing—

Annual statement by president and cashier.

Its contents.

1st. The average amount of notes and bills discounted, or purchased by such bank or banking company, which amount shall include all the loans or discounts of such bank or banking company, whether originally made or renewed during the year aforesaid, or at any time previous; whether made on bills of exchange, notes, bonds, mortgages, or any other evidence of indebtedness, (at their actual value in money,) whether previous to, during, or after the period aforesaid; and on which such bank or banking company has at any time reserved or received, or is entitled to receive, any profits, or other consideration whatever, either in the shape of interest, discount, exchange, or otherwise.

Same.

2d. The average amount of all other moneys, effects, or dues of every description belonging to such bank or banking company, loaned, invested, or otherwise used or employed with a view to profit, or upon which such bank or banking company receives, or is entitled to receive interest; provided, however, that the average amount of the specie funds of every such bank kept on hand unemployed, except with a view of redeeming its circulation and meeting its accruing liabilities to depositors, and also the average amount of the balances due from other banks upon which no interest, profit, or consideration is reserved or received, shall be excluded in the above estimates of the taxable property of each bank required to be made and returned as aforesaid.

How amount ascertained.

**SEC. 2.** To ascertain the amount of notes and bills discounted and purchased, and all other moneys, effects or dues of every description belonging to such bank or banking company, loaned, invested, or otherwise used or employed, with a view to profit, or upon which such bank or banking company receives, or is entitled to receive interest, to be returned as aforesaid, there shall be taken as a criterion, the average amount of the aforesaid items for each month during the year next previous to the time of making such statement, if so long such bank or banking company shall have been engaged in business, and if not, then during such time as such bank or banking company shall have been engaged in business; and the average shall be made by adding together

the amount so found belonging to such bank or banking company in each month so engaged in business, and dividing the same by the number of months so added together.

Sec. 3. Every person who shall have money employed in the business of dealing in coin, notes, or bills of exchange, or in the business of dealing in, or buying or shewing any kind of bills of exchange, checks, drafts, bank notes, promissory notes, bonds, or other writing obligatory, or stocks of any kind or description whatsoever, shall be held to be a banker, broker, or stock jobber; and he shall, when he is required to make out and deliver to the assessor a statement of the amount or value of his other personal property subject to taxation, also include in his statement the average value estimated as provided in the twelfth section of this act, of all moneys, notes, bills of exchange, bonds, stocks, or other property appertaining to his business as a banker, broker or stock jobber, which he shall have had from time to time in his possession, or under his control, during the year next previous to the time of making such statement, if so long he shall have been engaged in such business, and if not, then during the time he shall have been so engaged.

Sec. 4. That in all cases where the taxes, or any part thereof, assessed upon the personal property, moneys, credits, or effects of any bank or banking, or other incorporated company, or association, or any banker, broker, or stock jobber, or partnership, or company of bankers, brokers or stock jobbers, or any agent of an insurance, or other company, incorporated by the laws of some other state or government, under the provisions of the act "for the assessment and taxation of all property in this state, and for levying taxes thereon according to its true value in money," passed the thirteenth day of April, in the year eighteen hundred and fifty-two, are now unpaid, or shall hereafter remain unpaid till the twenty-first day of December, in any year, the treasurer of the county, wherein such taxes have been, or may be assessed, shall forthwith demand payment of the amount of such taxes, and five per centum penalty thereon, (which said penalty shall be for the use of the treasurer) by leaving a written notice at the banking house, office, agency, or place of business of such bank, or banking, or other incorporated company, or association, or of such banker, broker, or stock jobber, or partnership, or company of bankers, or stock jobbers, or at the office, agency, or place of business of such agent of an insurance or other company incorporated by the laws of some other state or government. And if the taxes and penalty aforesaid, or any part thereof, shall remain unpaid, for the space of five days from and after the delivery of such notice, the treasurer shall proceed to the banking house, office, agency, or place of business of such bank, or banking, or other incorporated company or association, or of

Who shall be held to be a banker, broker or stock jobber.

What he shall include in his statement to assessor.

County treasurer to demand taxes of banks, &c.

How demand made.

Proceedings if taxes not paid



Seizure of coin  
&c., at office.

such banker, broker, or stock jobber, or partnership, or company of bankers, or brokers, or stock jobbers, or to the office, agency, or place of business of the agent of an insurance or other company incorporated by the laws of some other state, or government, and there distrain and seize whatever gold, silver, or copper coin, bullion, bank bills, promissory notes, bills of exchange, or other securities, or goods or chattels, the property of such bank, or banking, or other incorporated company or association, or of such banker, broker, or stock jobber, or partnership, or company of bankers, brokers or stock jobbers, or of any partner or member thereof, or of such agent of an insurance or other company, incorporated by the laws of some other state, or government, or of the company itself, as may be sufficient to pay the taxes and penalty, so as aforesaid demanded, together with five per centum poundage, (which said poundage shall be for the use of the treasurer) and all the costs and expenses of such distress and seizure, and of any sale which may thereafter become requisite.

Disposition of  
property seized,  
&c.:

SEC. 5. That the treasurer shall forthwith remove the coin, bullion, bank bills, promissory notes, bills of exchange, or other securities, or goods or chattels, so distrained and seized, to his own office or to some place of safe keeping and deposit, and after making an inventory thereof (a copy of which he shall file in the office of the county auditor,) shall advertise that he will sell, at public vendue, the bullion, bank bills, promissory notes, bills of exchange, or other securities, or goods or chattels, so distrained and seized, at the door of the court house of his county, on the tenth day after such advertisement, which advertisement shall be by one publication in some newspaper printed in the said county, or by a placard upon the door of the court house aforesaid. But if the amount of the taxes and penalty, so as aforesaid demanded, together with five per centum poundage, and all the costs and expenses incurred, be tendered in gold or silver coin to the treasurer, at any time before the day of sale, he shall, immediately on demand, surrender the coin, bullion, bank bills, promissory notes, bills of exchange or other securities, or goods or chattels, so as aforesaid distrained and seized, to the person or persons authorized to receive the same, and take the receipt of such person or persons, in duplicate therefor; one copy of which receipt he shall forthwith file in the county auditor's office. But if no such tender be made before the day of sale, the treasurer shall proceed to sell publicly to the highest bidder or bidders, the said bullion, bank bills, promissory notes, bills of exchange or other securities, or goods or chattels, or so much thereof as with the coin distrained and seized will pay the taxes, penalty, poundage, costs and expenses, at the door of the court house of his county, demanding and receiving for payment at such sale only the gold, silver and copper coins of the United

States, and such gold and silver coins of foreign states or countries as by some act of the congress of the United States or proclamation of the president, are then lawful and current. And the treasurer shall pay to the person or persons thereto entitled, on demand, the excess (if any) of the purchase money, at such sale, over and above the residue of the taxes, penalty, poundage, cost and expenses aforesaid; but shall retain for distribution according to law, the amount of the taxes collected by him, whether by distress and sale, or by distress alone.

SEC. 6. That if the treasurer should not find sufficient gold, silver or copper coin, bullion, bank bills, promissory notes, bills of exchange, or other securities, or goods or chattels, to pay the amount of the taxes and penalty demanded, together with five per centum poundage, and all the cost and expenses of distress and seizure, in the banking house, office, agency, or place of business, of any such bank or banking or other incorporated company or association, or of any such banker, broker, or stock-jobber, or partnership or company of bankers, brokers, or stock-jobbers, or in the office, agency or place of business of any such agent of an insurance or other company incorporated by the laws of some other state or government, he is hereby authorized and required also to distrain, seize and remove, whatsoever coin, bullion, bank bills, promissory notes, bills of exchange, or other securities, or goods or chattels, of such bank or banking or other incorporated company or association, or of such banker, broker, stock-jobber, or partnership or company of bankers, brokers, or stock-jobbers, or of any partner or member thereof, or of such agent, of an insurance or other company incorporated by the laws of some other state or government, or of the company itself, he may or can find anywhere within his county, in whose possession or control soever, or in what place soever, the same may be. And in case any coin, bullion, bank bills, promissory notes, bills of exchange, or other securities, or goods or chattels, be taken out of his county, into any other county of this state, for the purpose of evading such distress and seizure, (or so that the same cannot be made in the county where the taxes were assessed,) the treasurer may and shall pursue the said coin, bullion, bank bills, promissory notes, bills of exchange or other securities, or goods or chattels, into any county or counties of this state, and distrain and seize the same wherever found, and remove the same to his own county for ulterior proceedings as hereinbefore directed.

Seizure of property elsewhere.

SEC. 7. That each county treasurer shall report to the auditor of state, on or before the first day of April next, and thereafter on or before the twenty-sixth day of December, annually, the amount of taxes charged, or which may hereafter be charged upon the duplicate of his county, against any corporation, company or association, authorized to loan

Report of county treasurer of taxes unpaid, &c.

State auditor  
to appoint  
commissioner  
to seize, &c.

Proceedings of  
commissioner.

Same.

or invest its capital stock, or any part thereof upon or in bonds, notes, bills or other obligations bearing interest, and secured by deed, mortgage, or incumbrance of real estate, in two or more counties of this state, and which taxes, or any part thereof, then remain, or may thereafter remain unpaid. And the auditor of state shall, after ascertaining the aggregate amount of all such taxes due by any corporation, company or association as aforesaid, appoint (by warrant under his hand) some suitable person as commissioner, to proceed forthwith to the principal office, agency or place of business within this state, of such corporation, company or association, and demand payment of the whole amount of such taxes, and five per centum penalty thereon, (which said penalty shall be for the use of the county treasurers, and in proportion to the amount of the taxes charged upon their respective duplicates,) by leaving a written notice at the principal office, agency or place of business within this state, of such corporation, company or association. And if the taxes and penalty aforesaid, or any part thereof, shall remain unpaid for the space of five days from and after the delivery of such notice, the commissioners shall distrain and seize whatever gold, silver or copper coin, bullion, bank bills, promissory notes, bills of exchange or other securities, or goods or chattels, the property of such corporation, company or association, as may be sufficient to pay the taxes and penalty so as aforesaid demanded, together with five per centum poundage, (which said poundage shall be for the use of the commissioner,) and all the costs and expenses of such distress and seizure, and of any sale which thereafter become requisite.

SEC. 8. That the said commissioners shall forthwith remove the coin, bullion, bank bills, promissory notes, bills of exchange or other securities, or goods or chattels, so distrained and seized, to some place of safe-keeping and deposit, and after making an inventory thereof, (a copy of which he shall file in the office of the auditor of state,) shall advertise that he will sell at public vendue, the bullion, bank bills, promissory notes, bills of exchange or other securities, or goods or chattels, so distrained and seized, at the door of the court house of the county wherein the principal office, agency or place of business of such corporation, company or association is situate, on the tenth day after such advertisement, which advertisement shall be by one publication in some newspaper printed in the said county, or by a placard upon the door of the court house aforesaid. But if the amount of the taxes and penalty so as aforesaid demanded, together with five per centum poundage, and all the costs and expenses incurred, be tendered in gold or silver coin to the said commissioner, at any time before the day of sale, he shall, immediately on demand, surrender the coin, bullion, bank bills, promissory notes, bills of exchange or other securities,

or goods or chattels, so as aforesaid distrained and seized, to the person or persons authorized to receive the same, and take the receipt of such person or persons in duplicate therefor, one copy of which receipt he shall forthwith file in the office of the auditor of state. But if no such tender be made before the day of sale, the commissioners shall proceed to sell, publicly, to the highest bidder or bidders, the bullion, bank bills, promissory notes, bills of exchange, or other securities, or goods or chattels, or so much thereof as with the coin distrained and seized, will pay the taxes, penalty, poundage, costs and expenses, at the door of the court house of the county aforesaid, demanding and receiving for payment at such sale, only the gold, silver and copper coins of the United States and such gold and silver coins of foreign states or countries as by some act of the congress of the United States or proclamation of the president, are then lawful and current. And the commissioner shall pay to the person or persons thereto entitled, on demand, the excess (if any) of the purchase money, at such sale, over and above the residue of the taxes, penalty, poundage, costs and expenses aforesaid; but shall forthwith thereafter pay to the treasurer of state (upon the order or certificate of the auditor of state) the amount of the taxes collected by him, the said commissioner, whether by distress and sale or by distress alone. And the auditor of state shall cause to be distributed and paid to the treasurers of the respective counties the proportions of the said taxes charged upon their duplicates, for county, school, township, municipal and other local purposes, and the penalty thereon to which the said treasurers may be entitled.

State auditor's  
distribution to  
counties.

SEC. 9. That each commissioner appointed as aforesaid shall, before executing any authority under this act, take and subscribe an oath or affirmation to support the constitution of the United States and the constitution of the state of Ohio, and well, faithfully and diligently to discharge the duties of his said appointment; and shall give bond to the state of Ohio, with two or more sureties, to be approved by the auditor of state, in a sum not less than one hundred thousand dollars, conditioned for the faithful and diligent performance of his duties, and that he will truly account for all moneys which may come into his hands, and for the prompt payment to the treasurer of state or other parties entitled all such moneys as aforesaid.

Commission-  
ers' oath and  
bond.

SEC. 10. That if any commissioner, appointed and qualified as aforesaid, should not find sufficient gold, silver, or copper coin, bullion, bank bills, promissory notes, bills of exchange, or other securities or goods or chattels, to pay the amount of the taxes and penalty demanded, together with five per centum poundage, and all the costs and expenses of distress and seizure, in the principal office, agency or place of business of any corporation, company or association, de-

Coin, &c., may  
be seized at  
any other  
place.

scribed in the fourth section of this act, he is hereby authorized and required also to distrain, seize and remove whatsoever coin, bullion, bank bills, promissory notes, bills of exchange, or other securities, or goods or chattels, of such corporation, company or association, he may or can find anywhere within this state, in whose possession or control soever, or in what place soever the same may be. And in case any coin, bullion, bank bills, promissory notes, bills of exchange, or other securities, or goods or chattels, be removed from one place to another, within this state, for the purpose of evading such distress and seizure, (or so that the same cannot conveniently be made,) the commissioner may and shall pursue the said coin, bullion, bank bills, promissory notes, bills of exchange or other securities, or goods or chattels, into any county or counties of this state, and distrain and seize the same wherever found. And the commissioner shall remove into the county in which the principal office, agency or place of business of any such corporation, company or association is situate, all coin, bullion, bank bills, promissory notes, bills of exchange, or other securities, or goods or chattels, distrained and seized elsewhere, and thereafter proceed in all respects as if the same had been distrained and seized within the county in which such office, agency or place of business is situate.

Sales, &c., to  
avoid tax,  
void.

SEC. 11. That every gift, sale, transfer, assurance, pledge or delivery of coin, bullion, bank bills, promissory notes, bills of exchange or other securities, or goods or chattels and every endorsement, cancellation or payment of bank bills, promissory notes, bills of exchange or other securities, and every bond, security, judgment or execution, made, procured, obtained, or suffered, with intent to evade, hinder or postpone the operation or effect of this act, shall be utterly void and of no effect.

Penalty for  
concealing  
coin, &c., to  
avoid tax.

SEC. 12. That if any person shall conceal or make way with, or by any contrivance remove out of this state, any coin, bullion, bank bills, promissory notes, bills of exchange or other securities, or goods or chattels, for the purpose of evading, hindering, or postponing the operation or effect of this act, he or she shall be deemed guilty of a misdemeanor, and upon conviction thereof, in the court of proper cognizance and jurisdiction, shall be fined in any sum not exceeding one thousand dollars, or imprisoned in the jail of the county not exceeding sixty days, or both, at the discretion of the court, and pay the costs of prosecution.

Non-payment  
of taxes, a  
good plea in  
abatement, &c.

SEC. 13. In case any bank or other person whose property is taxed under the authority of this act, shall neglect or refuse to pay the taxes so assessed, then so long as such taxes are unpaid, a plea of such non-payment of taxes shall be a good plea in abatement, until the same shall be paid in full, in any suit which may be instituted in any court of this state, by such bank or other person herein named, or for its or his

use and benefit, to enforce the collection of any note, bill or other contract for the payment of money. And in case any person or persons should resist, oppose, or prevent the treasurer or commissioner, or any deputy or person acting by the command of either, in the execution of the duties enjoined by this act, such person or persons shall be liable to the same prosecution and punishment, in all respects, as if he or they had resisted, opposed or prevented a sheriff or constable in the execution of a state writ.

Penalty for resisting officers

SEC. 14. That if any county treasurer or commissioner shall refuse or neglect to perform any of the duties enjoined upon him by this act at the times herein specified, it shall be taken and deemed as a breach of the condition of his official bond, and shall subject him and his sureties to an action in that behalf, to recover the amount of the taxes assessed and unpaid, as aforesaid, with interest and ten per centum penalty, and costs of suit, which action shall be instituted and conducted by the attorney general, as specified in the seventh section of the act to prescribe his duties, passed the first day of May, in the year eighteen hundred and fifty-two.

Penalty against treasurer and commissioner.

SEC. 15. That wherever an injunction has been, or may hereafter be granted by the court of common pleas, or court of probate, of any district or county, or by any judge of either of the said courts, against any person holding the office of county treasurer, or county auditor, or commissioner herein specified, or any other county or state officer, to restrain such person from performing any duty of his said office, directed or authorized by any statute or statutes of this state, for the collection of the public revenue, the attorney general may, upon receiving a copy of the said proceedings, file, in the office of the clerk of the proper court, a motion to dissolve the injunction with costs; and at any time thereafter, on five days' notice to the complainant or complainants, or his, her, or their counsel, the attorney general or the prosecuting attorney of the county may demand that the said motion shall be heard by the proper court, if in session, or by any judge of such court, if in vacation, and such court or judge, as aforesaid, shall thereupon hear and speedily determine the same. And in case the said court or judge should refuse to dissolve the said injunction, with costs, the attorney general may file a notice of appeal from such decision in the clerk's office of the said court; and thereupon the clerk shall forthwith make out and deliver to the attorney general, or prosecuting attorney, a certified transcript of all the proceedings aforesaid, and copies of all the pleadings, exhibits, and proofs, the expense whereof shall be taxed and allowed to the clerk in the cost bill of the said cause. And the attorney general or prosecuting attorney, after ten days' notice to the complainant or complainants, or his, her, or their counsel, may present the said transcript and copies to the district court of the said county, or to the supreme

How injunction dissolved.

court, or any judge thereof, and cause the said motion to be again heard. And the said district court or supreme court, as the case may be, or judge of the supreme court, shall entertain the said motion, and finally decide the same. And the said district or supreme court, under its seal, or judge of the supreme court under his hand, shall certify the decision of the said motion to the court whence the same was appealed, and, in case of dissolving the injunction, shall send therewith a mandate, under the seal of the court, or hand of the judge granting the same, directing the court below to proceed in accordance with the decision so certified. And thereupon, in case of such mandate, the injunction shall be dissolved, and the complainant or complainants shall be charged in the cost bill with all the expenses and costs thereof. And it shall not be lawful for such complainant or complainants, upon the same bill, or any other bill founded upon the same matters, to have any other injunction.

53 Laws, 51.

18 Laws, 88.

SEC. 16. That the act entitled "An act further to amend an act for the assessment and taxation of all property in this state, and for levying taxes thereon according to its true value in money, and the several acts supplementary and amendatory thereof," passed April 1, 1856, and also the act entitled "An act amendatory of the act entitled an act to provide for taxing banks and banking companies," passed March 23, 1850, be and the same are hereby repealed.

WILLIAM B WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

• April 12, 1858.

#### AN ACT

Providing for the appointment and more thorough system of accountability of officers of the Ohio Penitentiary, fixing their compensation, prescribing their duties, and determining the manner of working convicts.

Appointment  
of directors  
and term of  
office.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be appointed by William Kennon, Asahel Medberry, and William B. Caldwell, or a majority of them, three directors of the Ohio penitentiary, two of whom at least shall reside in the city of Columbus, and one of whom shall hold his office for the term of one year, one for the term of two years, and one for the term of three years, and until their successors are appointed and qualified; but no person shall be eligible to the office of

director who is a contractor in the penitentiary, or interested, directly or indirectly, in any branch of business carried on in said institution. And should any director become, either directly or indirectly, interested in any business carried on in said institution, during his term of office, it shall be good cause for his removal; or for other cause, which, in the opinion of the said William Kennon, Asahel Medberry, and William B. Caldwell, or a majority of them, may be sufficient, the said William Kennon, Asahel Medberry and William B. Caldwell, or a majority of them, are hereby authorized and required to remove such director. Which removal and the reasons therefor, they shall cause to be entered upon the journals of the penitentiary, and shall report the same to the next session of the general assembly. The said directors first appointed under this act, to hold their offices according to the rotation in which their names are placed: the first named for one year, the second for two years, and the third for three years, respectively; each of whom, before entering upon the duties of his office, shall take and subscribe an oath or affirmation to support the constitution of the United States and of the state of Ohio, and to faithfully and diligently discharge the duties of such director. In case of a vacancy in said board of directors, by death, resignation, or otherwise, the same shall be filled by William Kennon, Asahel Medberry, and William B. Caldwell, or a majority of them. Said directors to receive three dollars per diem for the time actually employed in the discharge of their duties, to be paid out of the treasury of the state, on the certificate of the warden, that said services have been performed.

Their removal.

Vacancy, how filled.

Their compensation.

SEC. 2. At the first meeting of the board of directors under this act, they shall choose one of their number as president of the board, who shall hold his office for one year; and after the expiration of the term for which he was so elected, the board of directors shall again elect one of their number as president; and annually thereafter. It shall be the duty of the president of said board to visit the institution every two weeks, examine the work-shops, cells, rooms, and the books and vouchers of the warden, and enter the result of his investigation in a book called a journal, to be provided for that purpose. It shall be the duty of all the directors to meet at the office of the penitentiary every three months, to make a quarterly settlement of the accounts of the warden, and inspect the various departments and shops of the institution, and record the result of their investigation in the journal, signed by each member present, if all shall be agreed; if otherwise, the opinions of the dissenting members shall also go on record.

President.

Duties of president.

Of directors.

SEC. 3. The said directors, or a majority of them, shall appoint a warden, who shall hold his office for the term of three years, unless sooner removed by the directors; but in

Warden.



Oath and  
bond.

Deputy warden,  
clerk and  
assistants.

Physician.

His compensation.

Salaries of  
officers.

No perquisites  
allowed.

Penalty for  
receiving reward of contractors or for  
using property of prison for  
private purposes.

case of removal, the reasons therefor shall be entered on the journals of the institution. The warden shall take an oath or affirmation faithfully to discharge the duties of his office, and give bond to the state of Ohio, in the sum of ten thousand dollars, with at least two good and sufficient free-hold securities, to be approved by the directors, conditioned for the faithful performance of the several duties which are hereby, or which may, from time to time, be required of him by law, which said bond shall be deposited with the treasurer of state. The warden, by and with the advice and consent of the directors, shall have power to appoint a deputy warden, clerk, and such number of assistant keepers as the directors may deem necessary; all of whom shall take an oath or affirmation faithfully to discharge their duties, and give bonds to the state of Ohio; the clerk and deputy warden in the sum of three thousand dollars each, and the assistant keepers in the sum of five hundred dollars each, with security, to be approved by the directors, which bonds shall be deposited with the treasurer of state. All the above officers shall be subject to such by-laws and rules as may be prescribed by the directors and warden for the government of the prison. The directors shall also appoint a physician, who shall attend to all the cases of sickness among convicts, reside near the penitentiary, visit the prison at least once each day, and have a general sanitary oversight of the prison; and shall communicate to the directors, at each general meeting, on the general character of the health of the prisoners during the preceding three months, with such suggestions in regard thereto as he may deem necessary, which communications shall be entered on the journal. The physician shall receive for his services a sum not exceeding eight hundred dollars per annum.

Sec. 4. The warden shall receive an annual compensation for his services, not exceeding twelve hundred dollars.

The clerk shall receive an annual compensation for his services, not exceeding eight hundred dollars.

The deputy warden shall receive an annual compensation for his services, not exceeding eight hundred dollars; and

Each assistant keeper shall receive a compensation not exceeding forty dollars per month, except the night watch, who may receive forty-five dollars per month, to be determined by the directors.

That no person so employed shall be entitled to, or receive, any perquisites, in the shape of board, provisions, carriages, or horses, or otherwise, either for themselves or families; or shall be permitted to receive any compensation or reward, of any description, from contractors. And if any person so employed shall receive any compensation or reward, of any description, from any contractor, to promote the interest or advantage of such contractor, or shall make use of any property, of any description, belonging to the penitentiary,

for his own private purposes, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars, and be imprisoned in the county jail not exceeding sixty days, and shall be discharged from his office. And if any officer procure the escape of any convict, or connive at, or aid, or assist in the escape of any convict from the penitentiary, whether such escape or not, he shall, upon conviction thereof, be sentenced to hard labor in the penitentiary for any term not less than one nor more than three years.

Penalty for assisting prisoner to escape.

SEC. 5. It shall be the duty of the directors to appoint a chaplain of the Ohio penitentiary, who shall hold his office during the pleasure of the directors, and who shall receive an annual compensation not exceeding eight hundred dollars, to be paid quarterly out of the visitor's fund, on the order of the directors. The chaplain shall be a regularly ordained minister of the gospel, in good standing in some one of the denominations of this state, who shall be competent to teach the first rudiments of an English education; and who shall reside in or near the penitentiary, and devote his whole time and ability to the interests of the convicts confined therein; and shall, in addition to his clerical services, teach such of the convicts as he and the warden may select, the art of reading, writing, arithmetic and geography, at such hours as may be found most conducive to the interests of the institution. Minor convicts shall be instructed separate and apart from convicts who are not minors. And if it shall be found necessary for the purposes of instruction to prisoners, the chaplain may, with the consent of the directors, appoint an assistant, who shall be paid not more than three hundred dollars per annum, out of the visitors' fund, on the order of the directors.

Chaplain—his qualifications and compensation.

SEC. 6. That each convict possessing a fair knowledge of reading, writing and arithmetic, shall be kept at work every day in the year, Sundays excepted, not exceeding ten hours per day.

Convicts to work ten hours per day.

SEC. 7. The warden is hereby authorized and required, so far as practicable with existing contracts, (and all contracts hereafter made for convict labor shall so provide,) to classify the convicts according to their age and disposition; placing all young men under twenty-one years of age, (unless the conduct of the same shall forbid it,) in a shop or shops by themselves, and give them such work as will be most beneficial to them when discharged; and persons convicted of the higher crimes, or who shall be convicted a second time of penitentiary offences, or whose conduct may require it, shall be worked in a shop by themselves, at such employment as the warden may deem most fitting for them, or profitable to the state.

Classification of convicts.

SEC. 8. The warden shall attend to the purchasing of all articles for the institution, clothing, provision, medicines,

Warden's duties.

Statement of contracts, and of dues from contractors, &c., to be filed with state auditor.	material for building, or repairs, or raw material to be manufactured in the penitentiary; shall have in charge the whole operation of the institution, and shall be its executive officer.
His duties.	<p>SEC. 9. The warden of the penitentiary shall, within five days after the close of each month, file with the auditor of state a certified statement, in which shall be set forth the names of the several contractors for prison labor, the amount due from each at the close of the next preceding month, and the particular class of labor on which said contract was based; and upon receiving such certified statement, the auditor of state shall forthwith issue to the treasurer of state his drafts on the several persons from whom such money is due; and the treasurer of state shall cause the same to be immediately presented and paid, and shall prepare and deliver triplicate receipts therefor, one of which shall be for the use of the person by whom the money is paid, and one each to the auditor of state and warden of the penitentiary.</p>
Other moneys.	<p>SEC. 10. All moneys due the institution, arising from sources other than those specified in the next preceding section, shall be paid to the warden, who shall pay over the same to the treasurer of state at the close of each month; and such moneys shall be certified into the treasury in the same manner that other moneys are certified into the treasury; and for all moneys so paid over by the warden, duplicate receipts shall be given, one of which shall be forthwith deposited with the auditor of state, and the other retained by the warden. A full and detailed statement of all such moneys received and paid over to the treasurer of state, shall be made out by the warden at the close of each quarter of the year; such statement shall set forth the several amounts received, from whom, at what time, and on what accounts, and shall be immediately deposited with the auditor of state.</p>
Warden's quarterly statement.	<p>SEC. 11. All accounts for claims against the penitentiary for salaries, provisions, clothing, medicines, repairs, buildings, fuel, &amp;c., shall be certified by the warden, countersigned by the clerk, and indorsed on the back "approved" by at least two of the directors, and presented to the auditor of state, who shall examine and adjust the same, and if found correct, shall issue bills, payable at the treasury, for the sums which shall be found due, specifying in each bill the date of its issue, the name of the person to whom payable, and the appropriation from which it is to be paid.</p>
Claims against penitentiary.	<p>SEC. 12. All contracts for provisions, clothing, medicines, forage, fuel, buildings or repairs, where the amount shall exceed the sum of one hundred dollars, shall be given to the lowest bidder. No bids herein authorized shall be received, or contract made in pursuance thereof, unless the same be reasonable, and not greater than the usual market value and price. So far as possible, the letting of contracts shall be let as herein provided for, but no other contracts shall be let to run more than six months, nor shall any contract be valid</p>
Letting of contracts for provisions, &c.,	

until approved by the auditor and attorney general. Notice of time and place of letting each contract shall be given for at least two consecutive weeks in two daily newspapers in Columbus, and in one of the weekly papers published in each of the counties adjoining Franklin county, and in such other papers as the warden may deem expedient; and where any two bids shall be equal, the warden may select any one of them as the person who shall have the contract; and such contractor shall give bond and security, to the satisfaction of the directors, for the faithful performance of his contract.

SEC. 13. All contracts for working convicts shall be given to the highest bidder, the letting of which the directors shall give at least six weeks notice, in two daily or weekly papers in the city of Columbus, two in the city of Cincinnati, and one in the city of Cleveland, and all contractors shall be required by the directors to give security to the state of Ohio for the faithful performance of their contracts, in such amounts as the directors, in their judgment, may think proper and right.

Contracts for  
convict labor.

SEC. 14. Convicts may be hired in any number not exceeding fifty in one contract, and for any term not exceeding five years, in such manner as the directors, in their judgment, may think proper and right. All convicts not contracted for, according to the provisions of this act, shall be hired or otherwise employed by the directors in such manner as they may deem most conducive to the interests of the state.

Same.

Convicts not  
hired.

SEC. 15. The directors shall, in company, every three months, inspect the warden's account, the different apartments of the prison, and the condition of the prisoners, and shall have power to regulate and fix the appointment, duties and salary of all officers or agents of the penitentiary, not otherwise provided for by law, and annually, on or before the 15th day of November, submit to the governor of the state a report of the condition of the prison, together with suggestions as to the improvements that may to them appear necessary.

SEC. 16. It shall be the duty of the warden to provide all convicts with a clean straw bed, and sufficiency of covering at all times to protect them from the inclemency of the season, and also with garments of a coarse material suited to, and sufficient for the season; and he shall furnish them with a sufficiency of coarse but wholesome food, with such alternation of food as in the opinion of the physician of the penitentiary shall be most conducive to the health of the prisoners; and it shall be the duty of the warden when in his opinion it shall be necessary, to employ suitable persons to instruct the prisoners in any work in which they may be employed, and during part of the time of his or her confinement as the court before whom such conviction may be had shall direct to be in solitary cells, such prisoner shall be confined in the solitary cells, at such intervals and in such man-

Bed of con-  
victs.

Clothing.

Food.

Instruction in  
work.

Solitary con-  
finement.

Patrol.	ner as the warden may deem proper; and one or more guards shall patrol said penitentiary at least twice in every hour during the night, until the hour of labor on the succeeding morning.
Punishment of convicts.	SEC. 17. It shall not be lawful to make use of a shower bath in the punishment of a convict, but it shall be lawful to punish prisoners for the infraction of the discipline, by solitary confinement in dark cells, and by deprivation of food other than bread and water; and any officer who shall violate any of the provisions of this act, shall be discharged from his office at the discretion of the directors or warden. The by-laws regulating the discipline of the prison shall be printed in the language of the convict and posted in each cell, and otherwise published so each prisoner shall know them.
Discipline book.	SEC. 18. It shall be the duty of the deputy warden to keep a book in which shall be entered a record of every infraction of the published rules of discipline, with the name of the prisoner so guilty, which record shall be submitted to the directors at their regular session; and every prisoner who may have been sentenced for a term of years, who shall, at the end of each month, have no infraction of the discipline so recorded against him, shall for the first month be entitled to a diminution of one day from the time he was sentenced to the penitentiary; and if at the end of the next month no infraction of the discipline is recorded against him, he shall be entitled to two additional days diminution from his sentence; and if he shall continue to have no such record against him a third month, his time shall be shortened three additional days; and he shall be entitled to five days diminution of time from his sentence for each subsequent month he shall so continue in his good behavior; and if any prisoner shall so pass the whole time of his sentence, or the remainder of the term of sentence, after this act shall take effect, he shall be entitled to a certificate thereof from the warden, and upon presentation thereof to the governor, he shall be entitled to a restoration of all rights of citizenship which may have been forfeited by his conviction; and it shall be the duty of the warden to discharge such convict from the penitentiary when he shall have served the time of his sentence less the number of days he may be entitled to have deducted therefrom, in the same manner as if no such deduction had been made; provided, that if such convict shall be guilty of the violation of the printed and published rules of the prison after he shall, as provided in this section, have become entitled to a diminution of his term of service to which he has been sentenced, the directors shall have the power to deprive, at their discretion, such convict of a portion or all (according to the flagrance of such violation of discipline,) of the diminution of the term of sentence, to which he had previously been by this act entitled.
Reward.	
Restoration to citizenship.	
Proviso.	

SEC. 19. The warden shall furnish to each prisoner sufficient light to enable him to read from the time he is shut up in the evening until the ringing of the bell for going to bed, unless the warden has good cause to believe that a convict is making an improper use thereof, in which case he shall not be so furnished.

Light at night.

SEC. 20. And provided, always, that nothing in this act shall be so construed as to interfere with existing contracts for prison labor, unless by consent of parties, in the event of which the same shall be indorsed upon the original contract and signed by the parties, which shall be binding in all respects as though no change had been made.

Proviso as to existing contracts.

SEC. 21. The directors and warden of the penitentiary shall, from time to time, establish by-laws, rules and regulations for the discipline and government thereof; and the warden, for himself and assistants, shall be held responsible for the observance and enforcement of such by-laws, rules and regulations; provided, always, that such by-laws, rules and regulations shall not be contrary to law; and the directors shall submit such by-laws, rules and regulations to the legislature at each session thereof; and provided, always, that nothing in this act shall be so construed as to prevent officers of the Ohio penitentiary from holding their respective offices until their successors in office shall be appointed and qualified.

By-laws, rules and regulations.

SEC. 22. That at the expiration of the present contracts for prison labor, it shall be unlawful for the directors to enter into any contract or permit such labor to be employed upon the business of cooperating, either within or without the prison.

Coopering.

SEC. 23. The hospital of the penitentiary shall, under such conditions as the directors, warden and physician may provide, be accessible to the professors and students of Starling Medical College, and other physicians of Columbus, once a week, during the annual college terms, for clinical instruction; provided, that no convict shall be subjected by such professors to any involuntary examination or surgical operation.

Hospital—to whom it shall be accessible.

SEC. 24. It shall be lawful for the directors and warden to suitably reward, at their discretion, any prisoner who by meritorious conduct may signally serve the interests of the institution or the state; and may permit any extra reward to be given to prisoners, not interfering with the interests of the state.

Reward for meritorious conduct of prisoner.

SEC. 25. That in every case in which a new warden for the penitentiary shall be appointed, the warden whose term of office shall have expired, shall deliver over to his successor quiet and peaceable possession of the penitentiary buildings, with all the property of the state in his possession, together with the convicts; and it shall be the duty of such succeeding warden to give to his predecessor a receipt for the prop-

Duties of warden on the expiration of his term, and duties of his successor.

erty and convicts aforesaid; the warden whose term of office shall have expired shall also make out under oath a full and detailed account of all the receipts and expenditures of the penitentiary since his last annual report, or that have not been heretofore reported to the governor at any time during his term of office; also a true inventory, with the contract price of all the property in his possession as such warden, belonging to the state, consisting of raw materials and manufactured articles, medicines, forage, and all kinds of provisions provided for the penitentiary and shall deliver the same over to his successor, together with all moneys on hand, stating in full the sources of said moneys and the amount from each source; it shall be the duty of the succeeding warden to give to his predecessor in office his receipt for such property and moneys as may be scheduled and delivered over to him as aforesaid.

Acts repealed. SEC. 26. The act providing for the appointment of officers  
53 Laws, 126. of the Ohio penitentiary and other purposes, passed April 8, 1856, also the act to amend an act entitled "An act providing for the appointment of officers of the Ohio penitentiary, fixing their compensation, prescribing their duties, and determining the manner of working convicts," passed April 15, 1857, also an act relating to over work in the penitentiary, and moneys of convicts, passed April 16, 1857, and also the twenty-third section of the act making provisions for carrying into effect the acts for the punishment of crimes, passed February 26, 1835, be and the same are hereby repealed. This act to take effect from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

#### AN ACT

53 Laws, 113. To amend section two of an act entitled "An act to enable Mutual Insurance Companies to become Joint Stock Companies," passed April 18, 1856.

Proceedings  
when mutual  
insurance  
companies de-  
sire to become  
joint stock  
companies.  
SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the second section of the act passed April 8, 1856, entitled "An act to enable mutual insurance companies to become joint stock companies," be and the same is hereby amended so as to read as follows: Sec. 2. That when the board of directors for the time being of any such company desire to become a joint stock company by accept-

ing the provisions of this act, they shall pass a resolution to that effect, calling a meeting of those holding the certificates of said company, and all others entitled to receive on distribution any proportion of the net profits of said company, of which meeting at least thirty days notice shall be given in two newspapers published in, or of general circulation in the county in which the principal office for business of said company is situated, specifying the time, place and object of holding the same; when the proposition to become a joint stock company shall be submitted to them to be voted on, and if agreed to by the persons representing, in person or by proxy, three-fourths in amount of the certificates of said company, or otherwise entitled on distribution to the major part of the net profits of said company, the company shall thereupon cease to be a mutual, and shall be and become a joint stock company, with such an amount of capital stock, not less than fifty thousand dollars, consisting of real estate at its taxable value, mortgages on real estate well secured and not having more than ninety days to run, stock or bonds at their cash value, and money on actual deposit, as may from time to time be agreed on by the persons representing as aforesaid, three fourths in amount of the certificates of said company, or otherwise entitled, on distribution, to the major part of the net profits of said company.

SEC. 3. [2] This act to take effect from and after its passage.

When act  
takes effect.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

#### AN ACT

To amend the act entitled "An act to provide for the creation and regulation of Incorporated Companies in the State of Ohio," passed May 1, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the sixty-third section of the act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852, be, and the same is amended so as to read as follows: That whenever any number of persons, as named in the first section of the act to which this is an amendment, associate themselves together for the purpose of engaging in the business of manufacturing, they shall, under their hands and seal, make a certificate specifying the amount of capital stock necessary, the amount of each share, the name of the place where said manufacturing establishment or any branch

Swan's R. S.  
224.

How manufac-  
turing compa-  
nies may be  
created.



thereof having a place of doing business shall be located, the name and style by which such manufacturing establishment shall be known; said certificate shall be acknowledged, certified, and forwarded to the secretary of state, recorded and copied, as is provided in the second section of the act to which this is an amendment, and a copy of such certificate duly authenticated by the secretary of state, shall be forwarded by him to the recorder of every county in which such manufacturing establishment or any branch thereof, having a place of doing business, may be situate; and every such certificate shall be recorded by the recorder of deeds, in a book to be provided for that purpose, in every county in which such manufacturing company, or any branch thereof, may be located. And when so incorporated, every such company is hereby authorized to carry on the manufacturing operations named in said certificate of incorporation, and by the name and style provided in the said certificate, shall be deemed a body corporate, with their successors and assigns, shall have the same general corporate powers provided in the third section of the act to which this is an amendment, and be subject to all the restrictions therein contained.

Swan's R. S.  
226.

Subscription  
to stock.

SEC. 2. That section sixty-five of the act to which this is an amendment, be so amended as to read as follows: Sec.

65. The persons named in the certificate of incorporation, or a majority of them, shall be commissioners to open books for the subscription to the capital stock of said company, at such time and places as they shall deem proper, and the said company are authorized to commence operations upon the subscription of ten per cent. of said stock, and may elect directors after giving notice of the time and place of election as prescribed in section sixty-four, which directors shall hold their offices until the first Monday in January next after such election and until their successors are elected and qualified.

Secs. repealed.

SEC. 3. The sixty-third and sixty-fifth sections of the act entitled an act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1, 1852, be and the same is hereby repealed.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 12, 1858.

#### AN ACT

To amend an act entitled an act to amend the act entitled "An act to provide for the Organization of Cities and Incorporated Villages," passed March 11, 1853.

Swan's R. S.  
983.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the 18th section of said amendatory act*

be and it is hereby amended so as to read as follows : " They shall have power to lay off, open, widen, straighten, extend and establish, to improve and keep in order and repair, and to light, streets, alleys, public grounds, wharves, landing places and market spaces ; to open and construct and keep in order and repair sewers and drains ; to appropriate, enter upon or take, for such of the above purposes as may require it, land or material, and to assess and collect a charge on the owners of any lots or lands abutting on such street, alley, public ground, wharf, landing place and market space, or on the lots or lands through or by which such street, alley, public highway, public ground, wharf, landing place or market space shall pass, for the purpose of defraying the expenses of so constructing, improving, repairing, extending, widening, opening or lighting such street, alley, public highway, public ground, wharf, landing place or market space, or for the purpose of paying the value of the land or lands, lot or lots, which may be appropriated for the purpose of laying off, opening, extending or widening such street, alley, public highway, public ground, wharf, landing place or market space ; such charge to be either in proportion to the feet front of the lot or lands abutting on such street, alley, public highway, public ground, wharf, landing place or market space, or to the value of such lot or land, as assessed for taxation, under the general law of the state, as such municipal corporation may in each case determine ; and they shall also have the power to provide by ordinance for the lighting of any railway, or portion thereof which may be located within the corporate limits of such town or city, in such mode and manner as the city or town council shall prescribe ; and when it shall be deemed necessary or proper by any town or city council to provide for the lighting of any such railway, or portion thereof located as aforesaid, they shall pass an ordinance requiring such railroad company or companies, within a specified time, which shall not be less than thirty days, so to light their track or tracks, or such portion thereof as may be designated by such ordinance, and such ordinance shall prescribe the mode and manner in which the same shall be done, the number, style and size of lamp-posts, burners, lamps, and all other fixtures and apparatus necessary for such lighting, and the points of location for said lamp-posts ; and in case the said lighting shall not be done in conformity with the provisions and specifications of such ordinance, or should any railroad company fail or refuse to light its track, or such portion thereof as may be designated, within the time limited by the ordinance, the city or town council may proceed immediately to cause such lighting to be done in conformity with the provisions of such ordinance ; and such municipal corporation may, either by a general ordinance or resolution, prescribe the mode in which the charge on any railroad

Power of council in relation to streets, lights, alleys, sewers, drains, public grounds, &c.

Lighting railways.

Same.

company or companies shall be assessed and determined ; such charge, when so assessed and determined, shall be payable by the railroad company or companies at the time of the assessment, and shall also be a lien upon the lots or land in the possession of such railroad company or companies, from the time of the assessment ; such charge may be collected and lien enforced by a proceeding at law or in equity, either in the name of the municipal corporation, or of any person to whom it shall have directed payment to be made ; in any such proceeding at law, when pleadings are required, it shall be sufficient to declare generally for work and labor done, and materials furnished on the particular railway, part or parts thereof ; proceeding at law or in equity may be instituted against all the railroad companies, or each or any of them whose tracks may be located as aforesaid, against whom such assessment or charge shall have been made, or to enforce the lien against all the lots or land, or such lots or parcel, or any number of them affected by any one or several assessments, but the judgment or decree shall be rendered severally or separately for the amount properly chargeable, and any proceeding may be served in the discretion of the court, for the purpose of trial, review, or appeal ; and in any such proceeding, when the court trying and hearing the same shall be satisfied that the work has been done, or materials furnished, which, according to the true intent of the ordinance aforesaid, and the provisions of the act, would be properly chargeable on the lot or land, or against any railroad company, whose railway or part thereof shall have been so lighted, a recovery shall be had or a charge enforced to the extent of the proper proportion of the value of the work or material which would be chargeable on such lot or land, or against such railroad company, according to the provisions of such ordinance, and of this section, notwithstanding any irregularity, informality or defect in any assessment on the part of such municipal corporation or its officers ; but in such case the court shall adjudge as to costs as may be deemed proper, and in cases where assessments shall have been regularly made, and payment shall have been neglected or refused at the time when the same was required, any municipal corporation, or any person to whom the said corporation shall have directed payment to be made, shall be entitled to recover, in addition to the amount assessed, with interest from the time of assessment, the additional sum of five per cent. penalty, to defray the expenses of collection, and which shall be included in the judgment or decree

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## AN ACT

To extend the time of payment for the W.  $\frac{1}{2}$  of the S. W. qr. of sec. 20, tp. 18, range 20, School Lands, in Morrow county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a further period of six years from the day the respective installments fall due, be and the same is hereby given to James Mepenger and Benjamin Busby, purchasers of the W.  $\frac{1}{2}$  of the S. W. qr. of sec. 20, tp. 18, range 20, school lands in Richland (now Morrow) county, for the payment of the principal of the purchase money thereof; Provided, that the interest and taxes thereon shall be punctually paid according to law; and, Provided further, that the auditor of said county may require additional security for the payment of the principal and interest, if, in his opinion, the public interest requires it. Time extended.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## AN ACT

To prevent the selling and bartering of Counterfeit Coin, and the having in possession Counterfeit Coin, with the intent to sell, barter or dispose of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person shall sell, barter, or in any manner dispose of, any false, forged, or counterfeit coin, made in the likeness and similitude of any of the gold, silver or copper coin or coins currently passing in the state; or if any person shall be detected with any such false, forged or counterfeit coin or coins in his or her possession, for the purpose of selling, bartering or disposing of the same, knowing the same to be false, forged or counterfeit, every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary, and be kept at hard labor not more than ten years nor less than one year. Selling, &c.,  
spurious coin.

SEC. 2. This act to take effect and be in force from and after its passage. Or having in  
possession for  
that purpose.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## AN ACT

To amend an act entitled "An act providing for the election of Coroners and Sheriffs, and fixing their terms of office," passed March 8th, 1854.

Swan's R. S. 879.	SECTION 1. <i>Be it enacted by the General Assembly of the State of Ohio</i> , That the act entitled "an act providing for the election of coroners and sheriffs and fixing their term of office," passed March 8th, 1854, be so amended as to read as follows:
Election and term of office.	SEC. 1. There shall be elected on the second Tuesday of October, biennially, by the qualified voters in each organized county in this state, one sheriff and one coroner for such county, who shall hold their offices for two years from the first Monday of January next succeeding their election and until their successors are elected and qualified.
Terms of sheriff and coroners elected in 1856.	SEC. 2. That the term of office of all sheriffs and coroners elected in the several counties in this state on the second Tuesday of October in the year eighteen hundred and fifty-six, shall expire on the first Monday of January in the year eighteen hundred and sixty, or as soon thereafter as their respective successors are elected and qualified.
Their bond.	SEC. 3. All sheriffs and coroners elected in the several counties of this state on the second Tuesday of October, eighteen hundred and fifty-six, shall, on or before the first Monday in November, eighteen hundred and fifty-eight, give bond according to law, conditioned for the faithful discharge of their respective duties, until the first Monday in January eighteen hundred and fifty-nine, and until their successors are respectively elected and qualified. And all sheriffs and coroners elected on the second Tuesday of October, eighteen hundred and fifty-seven, shall in like manner, on or before the first Monday in November, eighteen hundred and fifty-nine, give bond, conditioned for the faithful discharge of their respective duties, until the first Monday in January, eighteen hundred and sixty, and until their successors are elected and qualified. A failure by any such sheriff or coroner to give such bond, shall vacate his office, and said vacancy shall be filled as in other cases, as is or may be provided by law. The giving of such bond or the failure to give the same, shall in no wise affect any bond previously given by any such sheriff or coroner.
Bond of those elected in 1857.	SEC. 4. That the original act entitled "an act providing for the election of coroners and sheriffs and fixing their terms of office," passed March 8th, 1854, be and the same is hereby repealed.
Vacancy on failure. Proviso as to previous bonds.	SEC. 5. This act shall take effect and be in force from and after its passage.
When act takes effect.	

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## AN ACT

To amend the act entitled "An act to amend the act entitled an 'An act for the prevention of certain Immoral Practices,'" passed February 17th, 1831—said last act being passed March 26th, 1841. Swan's R. S. 306.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That no person shall sell, or expose for sale, give, barter or otherwise dispose of in any way, or at any place, any spiritous or other liquors, or any article of traffic whatever, at or within the distance of two miles from the place where any religious society, or assemblage of people, are collected or collecting together for religious worship in any field or woodland; Provided, that nothing in this act shall effect tavern keepers exercising their calling, nor distillers, manufacturers, or others, in prosecuting their regular trades at their places of business, or any persons disposing of any ordinary articles of provision, excepting spiritous liquors, at their residences, nor any person having a written permit from the trustees or managers of any such religious society or assemblage, to sell provisions for the supply of persons attending such religious worship, their horses or cattle, such persons acting in conformity to the regulations of said religious assembly and to the laws of the state.

Selling  
liquors, &c.,  
within two  
miles of any  
religious  
meetings.

Proviso.

SEC. 2. That any person found guilty of committing a breach of the provisions of this act, shall forfeit and pay for every such offence, a fine of not less than ten or more than one hundred dollars, into the township treasury for the use of the common schools in said township where said offence was committed; and any judge of the common pleas, sheriff, coroner, or justice of the peace of the county, or any constable thereof, shall, upon view or information, and with or without warrant, apprehend any person so offending, and seize all such liquors or other articles of traffic, and the utensils or furniture containing them, and convey them before a justice of the peace; and the said justice, upon the complaint under oath or affirmation of said officer, apprehending such offender, or any person giving information, shall issue his warrant of arrest, which shall be formally served by the proper officer, and proceed to inquire into the truth of said accusation; and if found true, shall proceed to bind said offender in such amount not exceeding \$500, as he shall deem proper, to answer at the next regular term of the common pleas in said county, to be proceeded with by indictment, the fine and costs to be collected as in other criminal cases; provided, that if such defendant or defendants shall plead guilty, said justice shall affix the penalty and proceed to judgment; and in such case he shall immediately issue an execution against the property and body of the defendant or defendants for the fine and costs, unless paid or secured; and said defendant or defendants shall not be discharged until said judgment and costs shall be fully paid or secured to be paid.

Persons guilty  
to pay fine, &c.

The prosecu-  
tion.

Proceedings  
on plea of guilt-  
y before jus-  
tice.

Accused on  
acquittal to re-  
cover double  
costs, &c.

SEC. 3. That in any prosecution against any person or persons for a violation of the provisions of this act, if the defendant or defendants shall be acquitted, he or they shall recover of the person or persons filing the complaint, double the amount of his or their costs, which said justice shall award.

Repealing  
clause.

SEC. 4. That the act to which this is amendatory, be, and the same is hereby repealed. This act to take effect from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

#### AN ACT

To amend an act entitled an "an act to provide for holding the terms of the District court in the several counties of the third common pleas district of the state of Ohio," passed March 17, 1856.

53 Laws, 26.

Terms of dis-  
trict courts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the first section of the act entitled "an act to provide for holding the terms of the district court in the several counties of the third common pleas district of the state of Ohio," passed March 17, 1856, be so amended as to read as follows: Sec. 1. The terms of the district court shall hereafter be holden in the several counties of this state hereinafter named, as follows, viz:

In the county of Shelby, on the twenty-sixth day of July.  
In the county of Mercer, on the second day of August.  
In the county of Auglaize, on the fourth day of August.  
In the county of Allen, on the sixth day of August.  
In the county of Marion, on the ninth day of August.  
In the county of Logan, on the sixteenth day of August.  
In the county of Union, on the twenty-third day of August.  
In the county of Hardin, on the twenty-seventh day of August.  
In the county of Crawford, on the thirty-first day of August.  
In the county of Wyandot, on the third day of September.  
In the county of Seneca, on the sixth day of September.  
In the county of Hancock, on the thirteenth day of September.  
In the county of Wood, on the seventeenth day of September.  
In the county of Henry, on the twentieth day of September.

In the county of Fulton, on the twenty-third day of September.

In the county of Williams, on the twenty-fifth day of September.

In the county of Defiance, on the twenty-eighth day of September.

In the county of Paulding, on the first day of October.

In the county of Van Wert, on the fourth day of October.

In the county of Putnam, on the sixth day of October.

SEC. 2. That the original section one of said above mentioned act, to which this is amendatory, be and the same is hereby repealed. Section repealed.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

#### AN ACT

Making appropriations in part for the first quarter of the year 1859.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums be and are hereby appropriated, out of any money in the treasury applicable thereto, from the general revenue fund, for the expenses in part for the first quarter of the year commencing on the fifteenth day of November, in the year one thousand eight hundred and fifty-eight. For the payment of salaries of the governor, auditor, treasurer, secretary of state, attorney general, state commissioner of common schools, and state librarian, two thousand two hundred dollars; for payment of salaries of judges of the supreme court, court of common pleas, and superior courts, nineteen thousand dollars; for payment of the salary of secretary to the governor, two hundred dollars; for payment of clerks in the office of the auditor of state, two thousand dollars; for payment of clerks in the office of the treasurer of state, five hundred dollars; for payment of clerks in the office of the secretary of state, four hundred dollars; for payment of salaries of superintendent, physician, steward, matron, and other officers and employees, and for household and incidental expenses of the Central Ohio Lunatic Asylum, ten thousand dollars; for payment of salaries of superintendent, physician, steward, matron and other officers and employees, and for household and other incidental expenses of the Southern Lunatic Asylum, six thousand dollars; for salaries of superintendent, physician, steward, matron and other officers and employees, and for

State officers.

Judges.

Clerks.

C. L. Asylum.

S. L. Asylum.



N. L. Asylum household and incidental expenses of the Northern Lunatic Asylum, six thousand dollars; for salaries of officers and payments to other persons, and for household and incidental expenses of the Deaf and Dumb Asylum, five thousand dollars; for salaries of officers, teachers and other persons employed, and for general expenses of the institution for the education of the blind, five thousand dollars; for payment of salaries of warden, deputy warden, clerk, physician and moral instructor of the Ohio Penitentiary, eight hundred dollars; for paying guards, repairs, provision, clothing, and other general expenses of the Ohio Penitentiary, fifteen thousand dollars; for payment of costs of prosecutions and transportation of convicts to the penitentiary, ten thousand dollars; for payment of salaries of the members of the board of public works, and their clerk, thirteen hundred dollars; for payment of officers and other employees, and current expenses of the state asylum for idiots, fifteen hundred dollars.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

#### AN ACT

Creating the office and fixing the compensation of a messenger of the supreme court of the state of Ohio.

Appointment of messenger. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the supreme court of the state of Ohio shall appoint a messenger, whose duty it shall be to attend the sessions of said court, and perform such duties as said court shall direct. Said messenger shall receive for his services during the time actually employed in attending on said court, two dollars per day, to be paid out of the state treasury on the order of the auditor of state.

His per diem. SEC. 2. That no order shall be given, as aforesaid, until said messenger produce a certificate from one of the judges of said court, certifying the number of days the said messenger has been employed.

Payment thereof. SEC. 3. This act to take effect and be in force from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## AN ACT

To amend section twenty-three of the act entitled an act to provide for the re-organization, supervision and maintenance of common schools, passed March 11, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-three of said act be amended so as to read as follows: Sec. 23. The township board of education shall have power, when, in their opinion, justice and equity require it, to estimate separately the cost of purchasing a school-house site, and erecting or repairing a school-house thereon, in any particular sub-district of the township wherein the inhabitants have not heretofore borne a reasonable share of the burden of taxation for such purpose, in comparison with other sub-districts in the township, and certify such portion as they may deem just and equitable of the amount of such estimate to the county auditor of the proper county, together with a map of the lands, and names of the tax-payers in any such sub-district, which amount so certified shall be assessed by the auditor on the property therein, subject to taxation, and placed on the county duplicate specially, and be collected and paid over in the same manner as other school taxes, and be applied for the specific purpose of providing a school house in such sub-district: Provided, that such tax shall not be levied in any sub-district wherein the same has been heretofore levied, nor in any case shall it be assessed more than once in the same sub-district; and further provided, that such tax shall not be assessed in any sub-district which may be hereafter created, unless the said sub-district shall be composed in whole of territory upon which such tax has not heretofore been levied.

Sec. 2. That section twenty-three of the act aforesaid be and the same is hereby repealed.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April [12, 1858.]

Swan's R. S.,  
842.

When tax for purchasing school house site and erecting or repairing school house thereon, may be assessed on property in sub-district.

Sec. repealed.

## AN ACT

To amend an act entitled "an act to regulate the fees of officers in civil and criminal cases," passed March 5, 1831.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section fifteen of said act be so amended as to read as follows: Sec. 15. That each regular, grand and petit juror shall be allowed the sum of one dollar and fifty cents per day for each and every day he may serve as such juror, and five cents per mile from his place of residence

Swan's R. S.,  
418.

Fees and mileage of grand and petit jurors, and how paid.

to the county seat, to be certified by the clerk of the court, and paid out of the county treasury, on the order of the county auditor; provided, that nothing in this act contained shall be construed to apply to a struck jury; and to jurors on inquests holden by coroners or justices, each one dollar, to be paid out of the county treasury, on the order of the county auditor, who shall be furnished by the coroner or justice with the names of the jurors.

**Coroner's jury.** **Fees of talesman, and how paid.** SEC. 2. That section sixteen of said act be amended so as to read as follows: SEC. 16. That each tales juror serving as a petit juror, in the court of common pleas or in the district court, shall be entitled to the sum of fifty cents for each jury trial on which he may serve; provided, the trial does not detain such tales juror more than one day; but in case he is detained more than one day on such trial, he shall receive one dollar per day; provided further, that if any petit jury shall continue in session during the night season, or any part thereof, the night so employed and the preceding day shall be counted as one day; such account shall be audited and paid in the manner prescribed in the preceding section.

**When act takes effect.** **Secs. repealed.** SEC. 3. This act to take effect and be in force from and after its passage, and original sections fifteen and sixteen hereby amended be and the same are hereby repealed.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

#### AN ACT

To authorize the election of an additional judge of the court of common pleas of the eighth judicial district.

**Additional judge; when to be elected.** **His salary, powers, duties, &c.** SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the eighth judicial district there shall be one additional judge of the courts of common pleas, who shall be a resident of the district, and be elected by the qualified voters of said district at the next annual election for state and county officers, or at such time as may be prescribed by law for the election of other judges of the court of common pleas, and who shall be entitled to receive the same salary, and when so elected and qualified, shall have in all respects, the same jurisdiction, possess the same powers and discharge the same duties as are conferred or

enjoined by the constitution and laws of the state upon other judges of said court. And any vacancy that may occur in the office of such additional judge, whether by expiration of term of service or otherwise, shall be filled as in other cases. Vacancy.

Sec. 2. This act to take effect and be in force from and after its passage. When act takes effect.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

#### AN ACT

To amend the act supplementary to the act entitled an act to provide for the settlement of the estates of deceased persons, passed March 23d, 1840. Swan's R. S., 365,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when any executor or administrator shall file a petition in the probate court, or the court of common pleas, in any county in this state, for authority to sell the real estate of the deceased, it shall be the duty of such executor or administrator, in addition to the persons named in section one hundred and twenty-four of the act to which this is supplementary, to make all mortgagees of and other lien holders, whether by judgment or otherwise, on said real estate, and all trustees holding the legal title thereto, parties defendant to such petition in the same manner as is now provided by law for making parties defendant thereto. To petition to sell real estate who shall be made defendants, and how.

Sec. 2. The probate court and court of common pleas in which such petition may be filed, shall have full power to determine the equities between the parties and the priorities of lien of the several lien holders on said real estate, and to order a distribution of the money arising from the sale of such real estate, according to the respective equities and priorities of lien as found by the court. Power of courts to settle equities and priorities of liens.

Sec. 3. This act shall take effect and be in force from and after its passage. When act takes effect.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## AN ACT

To authorize Railroad Companies to increase their Capital Stock.

How and for  
what purpose  
and to what  
extent railroad  
companies  
may increase  
their capital  
stock.

Certificate to  
be filed in sec-  
retary of  
state's office.

When act  
takes effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any railroad company heretofore formed, or which may hereafter be formed, either under a general or special law, that shall be desirous to construct a second or additional track, or that may have constructed such track, in whole or in part, or that shall be desirous to increase its machinery or rolling stock, depots, or other fixtures necessary for the speedy and convenient transaction of its lawful business, and shall, by reason of such increase or construction, or for the purpose of such increase or construction, or for the purpose of paying off any bonds issued by it, find it necessary or desirable to increase its capital stock, such company may, by the vote of a majority of the existing capital stock represented in a meeting of the stockholders called for that purpose, by the directors of said company, and on due notice given for that purpose in the manner provided by its by-laws for the holding of meetings of its stockholders, increase its capital stock to any amount not exceeding the actual cost of said road, with its appurtenances; provided, that a certificate setting forth the amount of such increase, the vote by which the same was ordered, and the total of the capital stock of said company, after adding such increase, signed by the president and secretary of such company, shall be deposited in the office of the secretary of state, before such capital stock shall be held to be so increased.

SEC. 2. This act shall take effect from the time of its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## AN ACT

54 Laws, 105. To limit the application of an act passed April 11, 1857, entitled "An act relating to City Infirmaries."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "An act relating to city infirmaries," passed April 11, 1857, be and the same is hereby limited in its application to counties in which there is a county infirmary and a city infirmary.

SEC. 2. This act shall take effect from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## AN ACT

To amend the third and the fifth sections of the act entitled an act to provide for the state printing, passed April 15, 1852. Swan's R. S. 738.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of the act entitled an act to provide for the state printing, be so amended as to read as follows: Sec. 3. The bills shall be printed in folio foolscap form, on small pica type, each page to contain not less than twenty-five lines of solid matter, of the usual length, with a great primer reglet only in each space between the lines; and in counting the composition upon the bills, the same shall be measured as solid matter, and every necessary fraction of a page shall be counted as a full page; but no entire blank page shall be counted or charged for. That section five be so amended as to read as follows: Sec. 5. The volumes of public documents, and all reports, communications and other documents ordered to be printed in pamphlet form, shall be printed in pamphlet form, shall be printed on good small pica type, leaded, and the pages be of the same size as the journals are now required to be; said documents to be printed in pamphlet form, shall be printed in close compact order, without title pages, unnecessary blanks or open spaces; the volumes of public documents shall contain nothing that shall have been inserted in laws or journals of the same year, except the annual report of the auditor and treasurer of state, and the various reports, communications, and other documents proper to be inserted therein, shall follow each other in as close compact order as is consistent with good workmanship, without the intervention of unnecessary blanks, or separate title or half title page; and the paging thereof shall [be] consecutive; and at the conclusion there shall be an index to be made out by the printer, referring to the particular page at which each separate document commences. In all cases where any document is printed in pamphlet form by order of the general assembly, or of either branch thereof, by the contractor for the printing of the volumes of public documents, which shall also be inserted in the volume of public documents, and in all cases where any such document is printed in pamphlet form by the contractor for the printing of the journals, which shall also be printed in the journals, but one charge shall be made or allowed for the composition thereof.

How bills printed.

Documents and reports.

SEC. 2. That original sections three and five, be and the same are hereby repealed. Secs. repealed.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## AN ACT

To authorize Turnpike Road Companies to subscribe for Turnpike Road Stock in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the directors of any turnpike road company, heretofore incorporated, or which may be hereafter incorporated in this state, shall be and are hereby authorized to subscribe and pay over such sums of money as a majority of the stockholders shall instruct said directors so to do, to build and keep in repair any turnpike road that may be a continuation or an extension of that road, provided said subscription does not exceed the net revenue of their turnpike road.

SEC. 2. This act shall take effect from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## AN ACT

54 Laws, 220. Supplemental to an act entitled an act in relation to statistics, passed April 17, 1857.

Commissioner's term of office.  
Duty of township assessors.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioner of statistics for the state of Ohio shall hold his office for the term of three years, and until his successor is appointed and qualified.

SEC. 2. That it shall be the duty of each township assessor to require each person, in listing his property for taxation, to state the number of acres planted in oats and grass, and the quantity of oats and hay produced in the preceding year, in the same manner as they require statements of the crops of wheat and corn, by the act passed March 5, 1851.

Of officers of railroad companies.

SEC. 3. That the corporate officers of the several railroad companies incorporated by the laws of this state, are required to answer such questions as may be asked by the commissioner of statistics, in relation to the condition of their roads, the accidents which have occurred on them, the number of casualties, the number of passengers, and the amount of freight carried, and the quantity of fuel consumed.

Of state and county officers.

SEC. 4. That it shall be the duty of any state or county officers to answer fully and promptly such special or general questions as said commissioner may ask; and for such service county officers are allowed the usual fees for making abstracts, to be paid in the same manner as assessors are now paid.

Of fees.

Clerks of courts, justices of the peace and mayors.

SEC. 5. That the clerks of courts, justices of the peace, mayors of incorporated towns and cities, are required to answer such questions as said commissioner may ask, in relation

to the number and character of criminal and police offences, and the disposition made thereof, which have been charged or entered in their respective tribunals.

Sec. 6. That any person who by this act is required to give information, and who shall refuse or neglect to answer such questions, shall forfeit to the use of the state of Ohio any sum not exceeding fifty dollars, at the discretion of the court of common pleas for the proper county, which fine shall be collected by the prosecuting attorney thereof, as other fines are collected by law.

Penalty for refusing or neglecting to answer questions of commissioner.

Sec. 7. That the several classes of statistics now returnable to the auditor of state, the secretary of state, and the attorney general, not necessary to the duties of said officers, be transferred by them to the commissioner of statistics, and by him be embodied in his report.

Transfer of statistics, &c.

Sec. 8. It shall be the duty of the said commissioner to ascertain, as far as practicable, the number and condition of all the insane persons in this state, distinguishing between the male and the female, dangerous and harmless, curable and incurable; also the number of idiots, blind, and deaf and dumb persons, with such classification of each and information connected therewith as shall seem to him important, and shall state the number of each class of persons above mentioned who are paupers, together with their ages, and respective places of nativity, and what number are capable of performing manual labor with benefit to themselves and profit to the state.

Duties of commissioner as to statistics of the insane, idiotic, blind and deaf and dumb.

Sec. 9. That to enable said commissioner to procure special information in regard to the industry of the state, said commissioner be allowed a contingent fund of five hundred dollars, to be accounted for by proper vouchers, to the auditor of state, and paid by the treasurer, on the certificate of the auditor, and that said commissioner be allowed his necessary stationery and blanks in the same manner as is now provided by law for the secretary of state.

Industry of state.  
Commissioner's contingent fund, &c.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 12, 1858.

#### AN ACT

To prevent the running at large of bulls, boars and bucks.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if the owner of any bull, boar or buck, shall allow the same to go at large out of his enclosure, he shall forfeit the sum of five dollars for such offense, to be recovered on complaint before any justice of the peace of the county

Penalty—how recovered.



**Limitation.** in which such owner may live; and twice that amount on any subsequent conviction; said penalty to go into the treasury of the township where said complainant may reside, for the benefit of common schools; provided, that such complaint shall be prosecuted within thirty days next after such animal shall be found going at large as aforesaid.

**Additional Penalty.** SEC. 2. In addition to the penalty prescribed in the foregoing section, the owner of said bull, boar or buck thus found going at large, shall be liable to the owner of any cow, sheep or swine, for any and all damages arising from the going at large of such animals as aforesaid, to be recovered on suit brought before any court of competent jurisdiction.

**When act takes effect.** SEC. 3. This act to be in force on and after the first day of May, 1858.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

#### AN ACT

54 Laws, 44. To amend an act passed March 27, [28], 1857, entitled an act to organize and discipline the militia and volunteer militia.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the second section of an act to organize and discipline the militia and volunteer militia," passed March 28, 1857, be so amended as to read as follows: Sec. 2. That the militia of this state shall be organized into divisions, as follows, viz: the county of Hamilton shall form the first division; the counties of Butler, Warren, Montgomery and Preble, shall form the second division; the counties of Darke, Miami and Shelby shall form the third division; the counties of Mercer, Auglaize, Allen, Van Wert and Putnam, shall form the fourth division; the counties of Paulding, Defiance, Williams, Fulton, Henry and Lucas, shall form the fifth division; the counties of Wood, Ottawa, Sandusky and Seneca, shall form the sixth division; the counties of Hancock, Wyandot, Crawford, Marion and Hardin, shall form the seventh division; the counties of Logan, Union, Champaign, Clark and Madison, shall form the eighth division; the counties of Green, Fayette, Clinton and Highland, shall form the ninth division; the counties of Clermont, Brown and Adams, shall form the tenth division; the counties of Ross, Pike, Scioto, Lawrence and Jackson, shall form the eleventh division; the counties of Gallia, Meigs, Athens, 12th division. Vinton, Hocking and Washington, shall form the twelfth

division; the counties of Franklin, Pickaway and Fairfield, shall form the thirteenth division; the counties of Licking, Muskingum and Perry, shall form the fourteenth division; the counties of Delaware, Knox and Morrow, shall form the fifteenth division; the counties of Richland, Ashland and Wayne, shall form the sixteenth division; the counties of Huron, Erie, Lorain and Medina, shall form the seventeenth division; the counties of Cuyahoga, Summit and Portage, shall form the eighteenth division; the counties of Lake, Geauga, Ashtabula and Trumbull, shall form the nineteenth division; the counties of Mahoning, Columbiana, Stark and Carroll, shall form the twentieth division; the counties of Holmes, Coshocton and Tuscarawas, shall form the twenty-first division; the counties of Jefferson, Harrison and Belmont, shall form the twenty-second division; the counties of Morgan, Noble, Monroe and Guernsey, shall form the twenty-third division.

13th division.  
14th division.  
15th division.  
16th division.  
17th division.  
18th division.  
19th division.  
20th division.  
21st division.  
22d division.  
23d division.

SEC. 2. That the original section two of the act to which this is an amendment, be and the same is hereby repealed.

Sec. repealed.

SEC. 3. This act shall take effect from and after its passage.

When act takes effect.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

#### AN ACT

Supplementary to an act entitled an act prescribing the duties of Supervisors, and relating to Roads and Highways, passed February 13, 1853; and to repeal an act entitled an act prescribing the duties of Supervisors, and relating to Roads and Highways, passed April 8, 1856; also, prescribing the duties of County Commissioners, County Auditors, Township Clerks and Supervisors; also, to repeal certain other acts therein named.

Swan's B. S.  
813.

53 Laws, 218.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the respective counties in the state of Ohio, are hereby authorized to levy at the March session of their board, annually, for road and bridge purposes, in counties where the taxable property in the county exceeds the sum of fifty millions of dollars, not less than one twenty-fifth part of a mill, nor more than one-fifth of a mill. In counties of twenty-five millions of taxable property, and less than fifty millions, not less than one-twentieth part of a mill, nor more than one-half of a mill. In counties less than twenty-five millions of taxable prop-

Levy for road  
and bridge  
purposes.

erty, and more than ten millions, not less than one-tenth of a mill, nor more than one mill. In counties where the taxable property is less than ten millions, and over five millions of dollars, not less than one-half mill, nor more than two mills. In counties where the taxable property is less than five millions of dollars, the levy shall not be less than one-half mill, nor more than three mills; and no other road or bridge tax shall be levied by the county commissioners; provided, that in counties where the commissioners of any county have made the levies for road and bridge purposes for the year 1858, that they may at their June session for 1858, increase the levies in accordance with the provisions of this act, and in counties where no road and bridge taxes have been assessed, that the commissioners may at their June session for 1858, make the levies provided for in this act.

Proviso as to  
the year 1858.

Additional  
levy in town-  
ships for road  
purposes.

To be certified  
to county aud-  
itor.

His duties.

List for super-  
visor.

Bridge fund.

SEC. 2. If the trustees of any township in this state, shall deem an additional road tax necessary, in addition to the amount levied by the commissioners of their county, they shall determine the additional per centum to be levied upon the taxable property of their respective townships, not exceeding two mills on the dollar, where the taxable property of the county in which such township is located does not exceed six millions of dollars, and not exceeding one mill where said taxable property does exceed that amount, and certify the same in writing to the county auditor, on or before the first Monday of June, in each year, and the auditor of the county shall assess the same, together with the per centum levied by the commissioners, on all the taxable property in the townships; and the auditor of the county shall, on or before the third Monday in June, in each year, forward the list of the road taxes, (except that part set apart by the commissioners for bridge purposes,) made out as provided by the twenty-eighth section of the act to which this is supplemental, to the clerk of each township, who shall immediately make out a list for each supervisor, of all persons in his district against whom any road tax may stand charged, together with the amount of such tax charged against each person; and each supervisor shall notify every such person agreeably to the provisions of the thirty-fourth section of the act to which this is supplemental, to work out the same on the public highway.

SEC. 3. The county commissioners may set apart such portion of the road tax, by them levied, as they may deem proper, to be applied to the building or repairing bridges in their respective counties, which proportion, so set apart, shall be called a bridge fund, and shall be entered on the duplicate of taxes for the county, by the auditor of the county, in a separate column from the other levies for road purposes, and shall be collected in money, and expended under the direc-

tion of the commissioners of the county, in the building or repairing of bridges, or both.

SEC. 4. The county commissioners of each county shall, on the first Monday of June next, and thereafter annually, on the first Monday of March, or during their March session, determine upon a day not later than the first of November, when the labor on the roads and highways, in their respective counties, shall be completed, and also the time, not later than the fifteenth of September, when the supervisors shall notify persons, in their respective districts, of the amount of road tax assessed against them, which time so determined, shall be certified to the clerk of each township, in the proper county, by the auditor thereof, within thirty days thereafter, and the time so determined shall be inserted in the bond of each supervisor.

When labor on roads shall be completed.

When supervisor to notify persons of the amount of their road tax.

SEC. 5. Any person charged with a road tax, may discharge the same, (except that set apart for bridge purposes,) by labor on the public highways, within the district where the same is charged, prior to the time designated by the commissioners of the county for the completion of the labor on the public highways, at the rate of one dollar per day for each day's work of an able bodied man, and a ratable allowance per day for any team and implements furnished by any person, under the direction of the supervisor of such district, who shall give to every such person a certificate specifying the amount of tax so paid in labor, and the district and township wherein such labor was performed; also, that such work was done between the first day of April and the day designated by the commissioners for the completion of all labor on the roads and highways; which certificate shall in no case be given for any greater sum than the road tax charged against such person; and the county treasurer shall receive all such certificates as money, in the discharge of said road tax; and in case the holder of such certificate shall desire to pay taxes by semi-annual installments, such certificate may be received in payment of the December installment and the one-half part thereof credited on the June payment; all road taxes shall be placed upon the tax duplicate, and collected by the county treasurer, in the same manner as other taxes, except as herein provided.

Payment of road tax in labor.

Certificate of such payment.

How road tax collected.

SEC. 6. All road taxes collected by the county treasurer, shall be paid over to the treasurer of the township from which the same were collected, and shall be expended on the public roads of the several road districts in the township from which the said taxes were collected, under the direction of the trustees of the proper township.

To whom paid over and how expended.

SEC. 7. That all such persons as are required by the first section, to which this act is supplementary, to do and perform two days' labor on the public highways, shall do and perform the same, between the first day of April, and the time fixed upon by the commissioners of their respective counties of each year, which time shall be fixed by the com-

When labor on public roads shall be performed.

missioners at their March session, in the year 1859, and until that time the labor shall be performed between the first day of April and the first day of October next; provided, that no person shall be discharged or released from such labor by the neglect of the supervisor to notify him to perform such labor, before the time designated by the commissioners.

Warrant of  
township clerk  
to supervisor.

What it shall  
set forth.

Its effect as  
evidence.

SEC. 8. It shall be the duty of the township clerk of each township, to make out and deliver to each supervisor within his township, within ten days after the annual election in April, in each year, a warrant, authorizing and requiring such supervisor to call upon all persons in his district, who are, by the first section of the act, prescribing the duties of supervisors, and relating to roads and highways, passed February 13, 1853, liable to perform two days labor on the public highway, which shall set forth the bounds of such district or roads, to be worked by such supervisors, which certificate shall be received as evidence in any court, of the election and qualification of such supervisor, in any suit brought by him for the violation or non-performance of any of the provisions of this act, or the act to which this is supplemental, and which warrant may be in the words and figures following, (except the blanks to be filled by the clerk.)

STATE OF OHIO, ss.

County,

Township.

To

Supervisor of Road District No.

in said township, *Greeting.*

of war-  
rant.

You are hereby commanded to notify all persons in your district, who are liable to perform two days' labor, on the public highway, under the laws of this state, to perform the same, under your direction, between the times fixed by the commissioners for the performance of the labor on the public highway, and that you return this warrant to the trustees of said township, with the names of all persons in your road district who are liable to do two days' labor on the public highway, showing the names of delinquents, if any, and the cause of such delinquency, on the first Monday of March next, at \_\_\_\_\_ in said township.

A. B., Township Clerk.

List to accom-  
pany it.

Additions to  
list.

Supervisor's  
oath.

SEC. 9. It is hereby made the duty of the township clerk to make out a list, attached to or accompanying said warrant, of all persons liable to perform two days' labor on the public highway, as near as the same can be ascertained by such clerk; and the supervisor is hereby authorized and required to add to such list the names of all such persons, if any, as were omitted by such clerk, or who may have subsequently come within the bounds of such road district.

SEC. 10. The supervisor shall take and subscribe an oath, on the back of such warrant, to faithfully discharge his duties as supervisor, which oath may be administered by the township clerk, or any person authorized to administer oaths.

SEC. 11. For violation or non-performance of the provisions of this act, the township clerk and supervisor shall each be liable to a fine of five dollars, to be recovered by the trustees of such township in a civil action before any justice of the peace of such township, and the money arising therefrom shall be apportioned by the trustees, for the improvement of roads and highways, within the township. Penalty.

SEC. 12. That the act entitled an act to amend the act prescribing the duties of supervisors, and relating to roads and highways, passed April 7, 1854; and the act entitled an act to amend the act prescribing the duties of supervisors, and relating to roads and highways, passed April 29, 1854; and also an act entitled an act supplemental to an act prescribing the duties of supervisors, and relating to roads and highways, passed April 8, 1856; and the seventh section of the act of February 13, 1853, be and the same is hereby repealed. This act to take effect and be in force from and after its passage. Swan's R. S. 826b.  
Swan's R. S. 826a.  
53 Laws.  
Swan's R. S. 813.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

# ACTS OF A LOCAL NATURE.

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## AN ACT

Supplementary to the act entitled "an act to authorize the Commissioners of Lake county to borrow money for bridge purposes," passed March 10, 1857.

SECTION 1. *Be it enacted by the General Assembly of the State Ohio*, That the commissioners of Lake county, to enable them to rebuild sundry bridges destroyed by flood, be, and they are hereby authorized to borrow any sum of money not exceeding five thousand dollars, in addition to the sum of ten thousand dollars authorized by the act to which this is supplementary, for which loan said commissioners, and their successors in office, may issue bonds or certificates, and levy tax, subject to all the provisions of said act of March 10, 1857.

SEC. 2. That this act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

February 9, 1858.

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## AN ACT

To authorize the Board of Education of the Incorporated Village of Athens to borrow money for school house purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the incorporated village of Athens, in Athens county, be, and they are hereby authorized and empowered to borrow a sum of money, not exceeding five thousand dollars, for school house purposes. The interest on said loan not to exceed ten per centum per annum.

SEC. 2. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

February 15, 1858.

## AN ACT

To authorize the City Council of the city of Lancaster to borrow money to erect a City Hall, and other buildings, for the use of said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Lancaster, in said state, is hereby authorized to borrow, upon the faith and credit of said city, a sum or sums of money, not exceeding, in the aggregate, the sum of ten thousand dollars, at a rate of interest not greater than seven per cent. per annum, payable annually, at the office of the mayor in said city, which money, when so borrowed, shall be expended in the erection and completion of a city hall, and other necessary buildings and offices for the use of said city.

SEC. 2. That all loans negotiated by said city council, in pursuance of this act, shall be evidenced by the bonds or certificates of said city, signed by the mayor and countersigned by the president of said city council; said bonds, or certificates, shall be negotiable, and shall not be disposed of by said city council for less than their par value. They shall be payable at such time and place as may be agreed upon between the parties; and said city council is hereby authorized to levy a city tax upon the taxable property of said city for the payment of the annual interest on said bonds, or certificates, and for the redemption thereof when the same become due.

SEC. 3. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

February 15, 1858.

## AN ACT

To amend the act entitled "an act to amend the act entitled 'an act to incorporate the Lane Seminary, in the county of Hamilton.'"

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "an act to amend the act entitled 'an act to incorporate the Lane Seminary, in the county of Hamilton,' passed January 16, 1838, be and the same is hereby amended and enacted to read as follows, to wit: The board of trustees of the Lane Seminary shall consist of any number, not less than thirteen, nor more than twenty-five; and if, from any cause, the number shall be reduced below thirteen, the remaining number shall be a competent board for the purpose of filling vacancies to make up the number of thirteen; and the executive committee of said seminary shall consist only of the president, the three vice-presidents, the treasurer, the recording secretary, and the corresponding secretary, who shall hold their offices until their successors are elected; and the annual meeting of the board of trustees, for the election of officers,



shall be held at such time and place as the board of trustees shall, from time to time, and at any time, appoint; and the above mentioned act, passed January 16, 1838, is hereby repealed.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

March 4, 1858.

#### AN ACT

To vacate a certain road in Fairfield township, Butler county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the site of the old state road as is not used for the present turnpike road, between the canal bridge and the foot of the infirmary hill, Fairfield township, Butler county, on the road leading east from Hamilton, and known as the Lebanon road, be, and the same is hereby vacated.

SEC. 2. That the centre of the present turnpike road be and the same is hereby declared to be the centre of the road between the said points.

SEC. 3. This act shall be in force from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

March 4, 1858.

#### AN ACT

To amend an act to authorize the commissioners of Hamilton county to sell certain real estate in said county, and to provide for the erection of a County Infirmary and Lunatic Asylum therein, passed April 10, 1856.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections three and four of the above mentioned act be amended so as to read as follows: Sec. 3. The said commissioners shall have power to complete said lunatic asylum in such manner as that its capacity shall be sufficient to accommodate not less than four hundred inmates, and, also, to erect such other buildings and improvements as may be considered necessary, by them, to its efficiency and well being; of such form, style and materials as they shall deem best suited to the purposes, and at a cost not to exceed three hundred and twenty-five thousand dollars. Sec. 4. The said commissioners shall have power to issue bonds of

Hamilton county to the amount of one hundred thousand dollars, for the special purpose of raising money to construct and complete said lunatic asylum, and for no other use or purpose whatever; and previous to the issuing of said bonds the said commissioners shall advertise in at least five newspapers of general circulation, published in said county, for the term of at least thirty days, for proposals to be made on the part of any person to take any portion of said bonds and the rate of interest at which the same will be taken; and the said commissioners are hereby authorized to issue the said bonds to the said amount of one hundred thousand dollars, bearing interest at a rate not exceeding ten per cent. per annum, and said bonds shall not be sold at a price less than their full value as expressed on their face, and shall be issued and sold only to those persons who will take and pay for the same at the lowest rate of interest as aforesaid; and said bonds shall be issued redeemable at the expiration of five years from the date of their issue, and in sums of one thousand dollars each, signed by all the members of the board of commissioners of said county, and countersigned by the county auditor, and duly registered in the office of said auditor, and they shall be denominated "Lunatic Asylum Bonds," and the proceeds thereof shall be strictly applied to the erection of said lunatic asylum as aforesaid.

SEC. 2. Said original sections three and four are hereby repealed, and this act shall take effect from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

March 8, 1858.

#### AN ACT

Supplementary to an act entitled an act to authorize the Master and Wardens of Nova Cesarea Harmony Lodge, No. 2, to borrow money, passed February 3, 1857.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the master and wardens of Nova Cesarea Harmony Lodge, No. 2, are hereby authorized and empowered, if they shall deem it necessary, to borrow any sum of money not exceeding one hundred thousand dollars, in addition to the sum authorized to be borrowed by the act to which this is supplementary, for the purpose of improving the real estate belonging to said lodge in the city of Cincinnati, for which said loan the master and wardens, and their successors in office, may issue such certificates or bonds as may be agreed upon between them and the person or persons, or body or bodies corporate, with whom, or of which, such loan, or any part thereof, may be contracted, bearing interest at a rate not exceeding seven per cent. per annum, and redeemable at such time not exceeding twenty years, and at such place as said master and wardens may designate on the face of such certificates or bonds.

SEC. 2. The master and wardens of said lodge shall provide for the payment of the interest on said loan, and for the final redemption of the debt, within the period for which the same may be contracted; and for that purpose may pledge the property, revenues and faith of said lodge, in such manner and upon such terms and conditions as may be necessary and proper to consummate said loan.

SEC. 3. This act shall take effect upon its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

March 27, 1858.

#### AN ACT

To amend an act passed February 8, 1847, entitled an act to amend an act to incorporate the Baldwin Institute, in Middleburg, Cuyahoga county, passed December 20, 1845.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of said act be so amended as to read as follows: Sec. 1. That section two of the act above referred to, passed Dec. 20, 1845, be and the same is hereby so amended as to read: That the successors of the above named trustees shall be appointed by the North Ohio conference of the Methodist Episcopal church, or by such conference of said church as may hereafter include said institution within its bounds.

SEC. 2. That section one of the act passed February 8, 1847, be and the same is hereby repealed.

SEC. 3. This act to take effect on its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

March 27, 1858.

#### AN ACT

To authorize the Commissioners of Cuyahoga county to issue additional bonds for the purposes therein specified.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the county of Cuyahoga are hereby authorized to issue bonds, or obligations of said county, in addition to the amount authorized to be issued by the provisions of an act passed February 10,

1657, entitled an act to authorize the commissioners of Cuyahoga county to issue bonds for the purposes therein specified," the proceeds thereof to be expended in the erection of a court house for said county, to an amount not exceeding twenty-five thousand dollars, in sums not less than one hundred dollars, made negotiable, and bearing interest, to be paid semi-annually in the city of New York or the city of Cleveland, at the rate of seven per centum per annum; the principal to be redeemable at such time or times, and in such amounts as said commissioners shall deem expedient, the whole to be redeemed within fifteen years from the date thereof.

SEC. 2. That the faith of said county shall stand pledged for the payment of the principal and interest of said bonds or obligations, issued under the provisions of this act; and it is hereby made the duty of the commissioners of said county to add such per centum upon the tax duplicate of the county annually, over and above all other taxes, as shall be sufficient to pay the accruing interest on said bonds, or obligations, and the principal as the same shall fall due; and the money so levied when the same shall be collected, shall be applied to the payment of said bonds or obligations, and to no other purpose.

SEC. 3. That the commissioners of said county shall cause to be kept at the office of the auditor of said county, an accurate register of the bonds or obligations issued under the provisions of this act, showing the dates, numbers and amounts thereof, and to whom, when, and where payable, together with a full account showing all liabilities, receipts, disbursements, and the precise state of the indebtedness of said county, in any way growing out of the bonds or obligations authorized by this act.

SEC. 4. This act to take effect and be in force from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

March 27, 1858.

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#### AN ACT

Supplementary to an act to confirm the charter of the Covington and Cincinnati Bridge Company, incorporated by an act of the General Assembly of Kentucky, passed February 11th, 1846, with certain limitations, passed March 9th, 1849.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the Covington and Cincinnati Bridge Company, as heretofore incorporated by the laws of Kentucky and Ohio, shall have power and authority to increase its capital not exceeding three hundred thousand dollars, (\$300,000,) and may contract to receive any property in payment for subscriptions to its stock, or any work to be applied towards the construction or erection of the bridge, or its anchorage or approaches; provided, that when the company receive real estate in payment of stock, it shall sell the same within one year, if cost and interest thereon can be obtained,

and, in any event, it shall not hold real estate longer than five years, except it be such as may be necessary or convenient for the use of the bridge.

SEC. 2. That copies of the records and papers of said company, belonging to its office, certified by the secretary of said company, shall be evidence in all courts and places where the originals would be.

SEC. 3. That whenever said company shall give notice by advertisement in a newspaper published in Covington, and in one published in Cincinnati, that subscriptions of preferred stock will be received, it may receive subscriptions for, and issue such stocks as follows:

First. All persons holding stock, taken prior to the publication of such notice, who may, within sixty days after its publication, subscribe for additional stock, after they have paid for their first stock and for their additional stock, shall be considered preferred stockholders to the extent of such additional stock taken, and to a further extent of a proportion of their original stock held prior to the date of said notice, not exceeding the amount of such additional subscription. The additional subscription shall be payable in such instalments as the directors of the company may require, and be subject to like forfeiture as the original stock.

Secondly. After said notice shall have been published sixty days, if the amount of stock which the company desire to have taken shall not have been subscribed by persons previously stockholders, other persons, not previously stockholders, may subscribe until the amount of stock which the company wish to have taken be subscribed, and those who thus subscribe and pay for stock, shall be considered preferred stockholders to the extent of the stock taken by them. Dividends may be declared by said company, either monthly, quarterly, semi-annually, or annually, and all preferred stockholders shall be entitled to a dividend at the rate of six per cent. per annum on their preferred stock, whenever the whole net receipts of the company amount to so much as will produce at the rate of six per cent. per annum on the preferred stock, and whenever the whole net receipts of the company amount to less than will produce at the rate of six per cent. per annum on the preferred stock, then the dividends shall be made to the preferred stockholders only. Whenever the total net receipts of the company exceed an amount sufficient to pay the preferred stockholders a dividend at the rate of six per cent. per annum, and not as much as, or more than will pay at the rate of six per cent. per annum on all the stock, then such excess shall be apportioned among the non-preferred stockholders; but when the total net receipts of the company amount to as much as, or more than will produce dividends at the rate of six per cent. per annum on all the stock, then all the stockholders, including the non-preferred, shall receive dividends at the same rate, one with another. The first dividend year shall be considered as commencing on the day the company begin to receive tolls on the bridge, and the same day in each successive year shall be the commencement of that dividend year.

SEC. 4. That said company may borrow money, not exceeding six hundred thousand dollars, (\$600,000,) on the credit of the corporation, and may pledge any and all of its property, rights, tolls, incomes and franchises, by mortgage, for the security and payment of the interest and

principal of any of its debts, and may issue bonds therefor at such rates of interest and payable—the principal and interest—at such times and places, and to such amounts as the directors of said company shall deem requisite for its interest, and may sell and dispose thereof at such rates, and on such terms, as the company may determine. The bonds issued by the company, or any portion thereof, may be made and issued convertible into the stock of the company, on such conditions as the company may prescribe.

Sec. 5. That said company shall not exercise any of the powers granted in this act, until the stockholders of said company, at a regular meeting thereof, or at any meeting called by order of the directors, have, by vote, authorized the president and directors to exercise the same. Notice of the intention to apply to the stockholders for their consent to the exercise of such powers, or either of them, as are herein conferred, shall be given in at least one newspaper of general circulation in the city of Cincinnati, and one in the city of Covington, Kentucky, for two successive weeks, and such notice shall state the time, place, and object of such meeting. Application may be made to the stockholders of said company for the exercise of either of the powers herein granted, at different times, but it shall take a vote of a majority of all the stock subscribed to authorize the exercise of the same.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 2, 1858.

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#### AN ACT

To authorize the Board of Education of the city of Hamilton to borrow money for School House purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city of Hamilton, in Butler county, Ohio, be and are hereby authorized and empowered to borrow a sum of money, not exceeding twelve thousand dollars, for school house purposes; the interest on said loan not to exceed ten per centum per annum; provided, that if bonds are issued by said board for the payment of the money borrowed, they shall not be sold for less than their par value.

Sec. 2. This act shall take effect from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 2, 1858.

## AN ACT

Giving special jurisdiction to the Probate Courts of Cuyahoga and Lake counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the probate court of Cuyahoga and Lake counties shall have concurrent jurisdiction with the court of common pleas of said counties, of all crimes or misdemeanors, except crimes, offences or misdemeanors, the punishment whereof is capital or by imprisonment in the penitentiary.

SEC. 2. In no prosecutions for crimes, offences and misdemeanors, of which said probate court shall have cognizance, shall an indictment by the grand jury be required, but in all criminal cases brought before said probate courts, by filing a recognizance and transcript as hereinafter provided, the probate judge shall give notice to the prosecuting attorney of said counties, of the pendency of such cause, and the prosecuting attorney shall immediately file with said probate court an information setting forth briefly, but distinctly, in plain and ordinary language, the charges against the accused person or persons, and on which charge such persons shall be tried.

SEC. 3. Informations may be amended at any time before or during trial, on such terms as said probate courts may direct, and in all cases when such amendment is material, the defendant may elect to continue the cause.

SEC. 4. In all cases in which said probate courts shall have criminal jurisdiction, when the defendant is brought before said court, the charges against him shall be distinctly read to him, and he shall be required to plead thereto.

SEC. 5. The defendant may plead—

1. Guilty.

2. Not guilty.

3. A former judgment of conviction or acquittal of the offence charged, which may be pleaded either with or without the plea of not guilty.

SEC. 6. Every plea shall be oral, and shall be entered on the minutes of the court in substantially the following form:

If the defendant pleads guilty: The defendant pleads guilty of the offence charged against him.

If the defendant pleads not guilty: The defendant pleads that he is not guilty of the offence charged against him.

If he pleads a former conviction or acquittal, (as the case may be:) The defendant pleads that he has already been convicted or acquitted (as the case may be) of the offence charged against him, by the judgment of the court — (meaning [naming] it) ordered at — (meaning [naming] the place,) the day of —.

SEC. 7. Said probate court may at any time before judgment upon a plea of guilty, permit [it] to be withdrawn, and a plea of not guilty substituted.

SEC. 8. A plea of not guilty shall be deemed a denial of every material allegation in the information; and all matters of defence tending to establish a defence, may be given in evidence under the plea of not guilty.

SEC. 9. If the defendant refuse to answer the information, a plea of not guilty shall be entered.

SEC. 10. Upon a plea, other than the plea of guilty, if the defendant do not demand a trial by jury, the judge of said probate court shall proceed to try said issue.

SEC. 11. Before the court shall have named any testimony upon the trial, the defendant may demand a trial by jury, and thereupon the judge of said probate court shall issue a special venire for said jury, and which jury shall be subject to the same challenges as jurors in like cases are now subject to in the courts of common pleas.

SEC. 12. All recognizances which shall or may be taken by any justice of the peace in said counties of Cuyahoga and Lake, or other officers in said counties authorized to take the same, and all transcripts of criminal cases, within the jurisdiction of said probate courts, as defined by this act, may be returned either to the probate court or the court of common pleas of said counties, and the same shall be returned to one or the other of said courts, forthwith after the commitment of the person charged with the offence, or after the taking of a recognizance, for his appearance before one or the other of said courts.

SEC. 13. In the exercise of its criminal jurisdiction, the probate judges shall be considered as holding monthly terms, commencing on the first Monday of each month.

SEC. 14. If any justice of the peace or other officer authorized to examine and hold to bail any person as prescribed in section twelve of this act, recognize such person to appear forthwith before such court, or in default of bail commit such person, and said court shall have adjourned before said recognizance shall have been entered into or commitment made, or before the same and a transcript of the proceedings shall have been filed in said probate courts, said recognizance or commitment shall not thereby become void, but the defendant shall be made to answer at the next term of said court; and if said justice or other officer shall recognize or commit as aforesaid, any person to appear in said court at the next term thereof, said court being in session at the time said recognizance is entered into or commitment made and a transcript filed, said recognizance or commitment shall not thereby become void, but the defendant, appearing in said court, may, with the consent of the prosecuting attorney, be tried at the then present term of said court.

SEC. 15. The judges of said probate courts shall be paid for their services in criminal cases such sums as the commissioners of said counties may allow, which sums shall be paid out of county treasury of said counties respectively, and said probate judges shall not receive any compensation by way of fees in any criminal business of which they have jurisdiction by this act, but all costs, and all fines by said probate court imposed, shall be collected in the same manner as fines and costs are now collected by the courts of common pleas, and the same by said probate judges shall be paid into the county treasury.

SEC. 16. The prosecuting attorneys may in all criminal cases prosecuted in said probate courts, require the prosecutor to indorse the information for costs, and in all cases where the name of the prosecutor is so endorsed and the defendant or defendants are acquitted, he shall be liable for the costs, and the court, at the term at which such acquittal



shall take place, or any subsequent term, shall render judgment against such prosecutor for costs, unless the court shall be of opinion that there was reasonable ground for instituting the prosecution.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

April 8, 1858.

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AN ACT

To authorize the commissioners of Clermont county to borrow money for Bridge, County and Infirmary purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Clermont county are hereby authorized and empowered to borrow, for such length of time, not exceeding one year, as they may deem necessary, upon the faith and credit of the said county, any sum of money, not exceeding five thousand dollars, at a rate of interest not exceeding ten per cent. per annum, which money, when so borrowed, shall be expended for bridge, county and infirmary purposes, and to issue bonds or notes of hand therefor, the same to be signed by said commissioners and attested by the auditor of said county.

SEC. 2. This act to take effect and be in force from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

April 8, 1858.

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AN ACT

To authorize the Council of the incorporated village of Painesville to borrow money.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Painesville be and they are hereby authorized to borrow money and issue bonds or certificates, or to issue bonds or certificates without borrowing money, not exceeding six thousand dollars, in either case, to enable them to widen Main street, in said village, and to remove and refit the buildings thereon, and pay damages or compensations for property taken or injured thereby; such bonds or certificates bearing interest at a rate not exceeding eight per

cent. per annum, and redeemable at such time and place as the said council may designate on the face of said certificates or bonds.

Sec. 2. If a loan shall be contracted, or bonds or certificates should be issued, or both, as by the foregoing section is authorized, then for the payment of the interest on and the final redemption of such loan, and payment of such bonds or certificates, the said council is authorized annually to levy a tax not exceeding two mills on the dollar valuation, in addition to the taxes now authorized by law, until the interest and principal are paid; which tax shall be levied and assessed on the same kind of property, and collected in the same manner and at the same time as is provided by law in regard to taxes for general and incidental expenses. This act to take effect and be in force on and after its passage.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 8, 1858.

#### AN ACT

Supplementary to an act entitled "An act to incorporate the Piqua and St. Mary's Turnpike Road Company," passed February 24, 1844. (See Local Laws, vol. 42, page 97.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the directors of the Piqua and St. Mary's turnpike road company are hereby authorized to terminate said turnpike road at the town of Mt. Jefferson, in Shelby county; provided, that all the stock holders of said road shall assent thereto.

Sec. 2. This act shall take effect from and after its passage.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 8, 1858.

#### AN ACT

To amend and limit the operation of an act entitled an act providing for the application of the property belonging to the estate of Anderson Granger, deceased, late of Preble county, Ohio, and also for the settlement of said estate by the administrator, passed April 11, 1856.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled an act providing for the application of the property belonging to the estate of Anderson Granger, deceased, late of Preble county, Ohio, and also for the settlement of said estate by the adminis-

trator, passed April 11, 1856, be and the same is hereby limited in its operation to the period of six months from and after the passage of this act; provided, that said administrator shall be held to account for all the money belonging to said estate, together with six per cent. interest thereon from the time the same comes into his hands.

Sec. 2. That if the said George D. Hendricks, administrator of the estate of said Anderson Granger, deceased, shall not within the period of six months from and after the passage of this act, be able to so use, apply and appropriate the money and property belonging to said estate, as to procure the liberation from slavery of the brother and sister, or either of them, or the next of kin of said Anderson Granger, deceased, he shall then proceed to settle said estate in all respects as if said recited act had never been passed. This act shall be in force from and after its passage.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 12, 1858.

#### AN ACT

For the relief of Martha McLaughlin.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the sum of one thousand dollars be and the same is hereby appropriated to Martha McLaughlin, the widow of Alexander McLaughlin, out of any moneys now on hand, or that may accrue to the state of Ohio from the sale of the old penitentiary grounds, or any portion thereof, and that the said sum of money be paid to the said Martha McLaughlin, her administrators, or assigns, out of any such funds in the treasury, or that may hereafter be paid into the same, upon the warrant of the auditor of state; and if the moneys arising from the sale of said penitentiary grounds has been already otherwise appropriated, then said sum of one thousand dollars hereby appropriated shall be paid out of any moneys in the treasury not otherwise appropriated, upon the warrant of the auditor of state as aforesaid.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 12, 1858.

## AN ACT

Authorizing the Board of Education of the incorporated village of Logan, Ohio, to borrow money for school house purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the special school district of the incorporated village of Logan, in this state, is hereby authorized to borrow, upon the faith and credit of said village, a sum or sums of money, not exceeding in the aggregate the sum of fifteen thousand dollars, at a rate of interest not greater than seven per cent. per annum, payable annually at the office of the mayor in said village; which money, when so borrowed, shall be expended in the erection, completion and finishing of a school house or school houses, under the direction of said board of education.

SEC. 2. That all loans negotiated by said board of education, shall be evidenced by the bonds or certificates of said village, signed by the mayor, and countersigned by the president of said board of education. Said bonds or certificates shall be negotiable, and shall not be disposed of by said board of education for less than their par value. They shall be payable at such times and places as may be agreed upon between the parties; and the proper authorities of said district are hereby authorized and directed to levy a tax upon the taxable property of said district for the payment of the annual interest on said bonds or certificates, and for the redemption thereof when the same becomes due.

SEC. 3. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## AN ACT

To amend the act entitled an act to incorporate the Circleville and Royalton Turnpike Road Company, passed March 8, 1850.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the first section of the act entitled "An act to incorporate the Circleville and Royalton Turnpike Road Company," passed March 8, 1850, be and is hereby amended so as to read as follows:

That Francis Kinnen, Wilson Baker, Solomon Stout, Jacob Wannemacher, William Griffith and Benjamin Stout, of the county of Pickaway; and Thomas V. Reber, Andrew Peters, Broad Cole, Sherman Meeker, William McKinly and Peter Miller, of the county of Fairfield, and their associates, be and are hereby created a body corporate, under the name of the "Circleville and Royalton Turnpike Road Company," for the purpose of constructing a turnpike road, to commence at the town of Circleville, in the county of Pickaway, and from thence on the line of the Circleville and Lancaster road, called Upper Lancaster road, as far as prac-

licable, making Ringgold Cherry Run school house, and a point in the Federal Road, on the land of Andrew Peters, where the Lithopolis road crosses the said Federal Road, intermediate points on said road, to the town of Royalton, in the county of Fairfield; which company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act to provide for the regulation of turnpike companies, passed January 7, 1817, and the several acts amendatory thereto, except as the same may be modified or changed by the special provisions of this act or the act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, A.D. 1852; provided, that before this act shall take effect, all the stockholders in the said company shall consent to the provisions thereof.

SEC. 2. The original section first aforesaid is hereby repealed, and this act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 12, 1858.

#### AN ACT

To authorize the county commissioners of Greene county to sell certain Real Estate in said county, and to provide for the erection of a County Infirmary and Jail in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Greene county are hereby authorized to sell and convey, in such manner and upon such terms as they shall deem most advisable, the poor house farm belonging to said county, suitably describing the same in the conveyance, and pay the proceeds of such sale, after deducting the necessary expenses thereof, into the treasury of said county, for county or infirmary purposes; provided, that if said commissioners deem it necessary or expedient, they may postpone the sale of the present county infirmary farm until the new infirmary buildings are ready to be occupied.

SEC. 2. That said county commissioners are hereby authorized to purchase a suitable farm or parcel of land in said county, for a "poor house or infirmary farm," and to erect suitable buildings for an infirmary thereon, at a cost not exceeding ten thousand dollars in addition to the proceeds, realized or estimated, of said farm authorized by the first-section of this act to be sold, which said commissioners are hereby authorized to appropriate for that purpose.

SEC. 3. That said county commissioners are hereby authorized to purchase a suitable site, within the corporate limits of the incorporated village of Xenia, in said county, and erect thereon a new county jail, at a cost not exceeding twelve thousand dollars; and they are hereby authorized to sell and dispose of the materials of the present jail in said

county, and pay the same into the treasury of said county for county purposes.

SEC. 4. That said commissioners shall have power to appropriate any moneys now in the treasury of said county, and not otherwise appropriated, and may, in their discretion, sell and apply the proceeds of any railroad or other stocks, scrip or bonds, belonging to said county, to the payment of the sums authorized by this act to be appropriated for the purposes aforesaid, and may issue bonds of said county for sums of not less than one hundred dollars each, bearing interest at a rate not exceeding eight per cent. per annum, and payable not later than the first day of June, A. D. 1864, for the balance, if any; said bonds to be signed by at least two of said county commissioners, and countersigned by the county auditor; but the same shall not be sold for less than their par value. Said commissioners may, in their discretion, levy a tax upon the taxable property of said county for the payment of the whole or part of said balance, and for the payment of principal and interest of any bonds so issued, and apply said tax to the purposes aforesaid, and no other.

SEC. 5. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

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#### AN ACT

To authorize the Trustees of Green township, in the county of Scioto, to bring civil actions in certain cases, relative to School Lands ceded by Congress to the district of country known as French Grant.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Green township, in the county of Scioto, are hereby authorized to institute and conduct to final judgment, any civil action or actions, in any court of record in this state, for any trespass or trespasses heretofore committed upon, or for any right in, or interest, claim, or demand, growing out of the lands, situate in the county of Lawrence, selected by the secretary of the treasury of the United States, for the support of schools within that district of country known as "French Grant," in the county of Scioto, in pursuance of an act of congress approved May twentieth, one thousand eight hundred and twenty-six, to the same extent, in the same manner, and subject to the same limitations of time, that they are authorized to prosecute for trespasses or injuries committed on other school lands.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## AN ACT

To authorize the commissioners of Clermont county to remunerate George A. Miller for loss sustained by him in erecting the county infirmary buildings for said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the commissioners of Clermont county are hereby authorized to allow to George A. Miller such additional compensation as they may deem reasonable and just, not exceeding one thousand five hundred dollars, to be paid out of the county treasury, to remunerate him for loss sustained by him in the erection of the infirmary buildings in said county.*

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 12, 1858.

## AN ACT

To authorize the commissioners of Knox county to borrow money and to levy a tax for certain purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the commissioners of Knox county are hereby authorized and empowered to borrow, for a term not exceeding one year, any sum of money not over six thousand dollars, and at a rate of interest not to exceed seven per cent. per annum, at such time as the same may become necessary, in order to meet the interest as it falls due on certain bonds, issued by said county, under an act passed March 19, 1851.*

SEC. 2. That if any loan or loans shall be contracted under the first section of this act, then said commissioners are hereby authorized and empowered to levy a tax to pay the same and the interest thereon.

SEC. 3. That whenever said commissioners shall be of opinion that the means to pay the interest on said bonds will not be forthcoming, as anticipated in said act, they are hereby authorized and empowered to levy a tax in order to pay the same: Provided, that in no case shall any levy or levies be made, in any one year, under this act, that will exceed one mill on the dollar valuation in said county.

SEC. 4. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 12, 1858.

## AN ACT

To authorize the commissioners of Adams county to sell the Infirmary Farm of said county, and to provide for the erection of a County Infirmary.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Adams county be, and they are hereby authorized to sell and convey the infirmary farm of said county, upon such terms, and in such manner, as they shall deem most advisable, and apply the proceeds arising from the sale of said land, to the purchase of other lands, for like purposes, and to the erection of infirmary buildings thereon.

SEC. 2. That if, in the opinion of said county commissioners, the proceeds of said sale will be insufficient to erect suitable infirmary buildings for said county, then said commissioners shall be, and hereby are authorized and empowered to levy a tax upon the property of said county, listed for taxation, and not exceeding ten thousand dollars, to be applied to the erection of said infirmary buildings: Provided, that said levy shall not exceed five thousand dollars in any one year.

SEC. 3. Said tax shall be collected in the same manner as other taxes are collected, and when collected, shall be applied exclusively to the purposes for which it was levied.

SEC. 4. That so much of the act entitled "an act further to prescribe the duties of county commissioners," passed April 8th, 1856, as requires that where any larger amount of money or expense is involved, in the erection of any public building than five thousand dollars, the same shall be first submitted, at the annual spring or fall election, to the qualified voters of the county; and so much of the act entitled "an act prescribing and limiting the rates of taxation," passed April 11th, 1856, as limits the levy, for the purpose of the erection of county buildings, in any county, to one-fourth of one mill on the dollar, for any one year, be and the same are hereby so far suspended in the said county of Adams as to permit the commissioners of said county to carry out the objects embraced in this act.

SEC. 5. This act to take effect and be in force from and after its passage.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 12, 1858.

## AN ACT

Relating to section 29, in Springfield township, Hamilton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the lessees of section number twenty-nine, in township number three, range number one of lands in the Miami purchase, in Springfield township, Hamilton county, and known as ministerial section, be, and they are



hereby authorized and empowered, at any time within two years from the passage of this act, to surrender their leases and become purchasers in fee of the tracts specified in the leases so surrendered upon the terms and conditions specified in the act to regulate the sale of school lands and the surrender of permanent leases thereto, passed April 16, 1852: Provided, that the provisions of said act shall, in all respects, control the said proceedings, except that it shall not be necessary to take any vote of the people of said township prior to said proceedings.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

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AN ACT

For the relief of Samuel Perrin.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the sinking fund be, and they are hereby authorized and required to pay to Samuel Perrin the sum of thirteen hundred dollars, out of the first sufficient moneys which shall be received by said commissioners from the sale of the stock now owned by the state of Ohio, in the Cincinnati, Columbus and Wooster turnpike road company, which said sum of thirteen hundred dollars shall be in full of all claims of the said Samuel Perrin for labor by him performed, and materials furnished on said turnpike road.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

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AN ACT

Defining the Jurisdiction and regulating the practice of Probate Courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson, the probate court shall have, in addition to the jurisdiction now conferred upon it by law, concurrent jurisdiction with the court of common pleas in the punishment of all crimes, offences or misdemeanors, except those the punishment whereof is capital or by imprisonment in the penitentiary, or those crimes, offences or misdemeanors, the original or exclusive jurisdiction of which is

vested in justices of the peace, or in the mayor or magistrate of a town or city.

SEC. 2. All recognizances which shall hereafter be taken by justices of the peace and other officers authorized to take the same, and all transcripts in criminal cases within the jurisdiction of the said probate court, shall be returned to the judge of said court forthwith after the commitment of a person charged with an offence, or the taking of a recognizance for his appearance before the said probate court, unless the person or persons accused shall elect to be tried in the court of common pleas of said county, in which case the justice of the peace or other officer before whom said proceedings may have been had, shall make a minute upon his docket of said election made by said accused person or persons, and thereupon said justice or other officer shall return said transcript and recognizance to the clerk of the court of common pleas in such time and manner as is provided by law in other cases.

SEC. 3. When two or more persons shall be jointly accused and held for trial, and one of them shall elect to be tried in the court of common pleas, the justice or other officer shall require all the defendants to appear before that court, and shall return the transcript and recognizance to the clerk thereof.

SEC. 4. In no prosecutions for crimes, or offences or misdemeanors of which said probate court shall have cognizance, shall an indictment by grand jury be required, but in all criminal cases originally brought before said probate court, by filing a transcript and recognizance, the probate judge shall forthwith notify the prosecuting attorney of said county of the pendency of such cause; and thereupon said prosecuting attorney shall file an information in said court setting forth the charge against the accused person or persons, on which information such person or persons shall be tried; and such information may be amended at any time before or during the trial upon such terms as the court may direct.

SEC. 5. All fines imposed by probate judges for crimes, shall be paid into the county treasury as soon as the same shall be collected.

SEC. 6. In the exercise of its criminal jurisdiction, the probate court shall be considered as holding terms in said county, commencing on the first Tuesday of every alternative month.

SEC. 7. The prosecuting attorney, if he shall be satisfied that the state will fail in the action, or if the prosecutor shall fail to indorse the information when required so to do, may enter a nolle prosequi on the information.

SEC. 8. If the defendant refuse to answer the information, a plea of not guilty shall be entered.

SEC. 9. Upon a plea other than a plea of guilty, if the defendant do not demand a trial by jury, before the court shall have heard any testimony upon the trial, the probate judge shall proceed to try the issue.

SEC. 10. When the defendant pleads guilty, or is convicted either by the probate judge or by the jury, the probate judge shall render judgment thereon, by fine or imprisonment, or both, according to law.

SEC. 11. When the defendant is acquitted, either by the probate judge or by the jury, he shall immediately be discharged; and if the probate judge certify in his minutes that the prosecution was malicious or

without probable cause, he may order the prosecutor to pay the costs of the proceedings and enter judgment therefor, which may be enforced by execution.

SEC. 12. The fees of the sheriff, witnesses and jurors, shall be certified to by the probate judge or his clerk, and paid out of the county treasury, in the same manner as such fees are now paid for like services in the court of common pleas.

SEC. 13. The probate judge shall be paid for his services in criminal cases, not less than two hundred dollars, nor more than four hundred dollars per annum, out of the county treasury; the amount to be determined by the county commissioners, and paid quarterly; and the probate judge shall tax the fees to which he would be otherwise entitled, and when the same are collected pay them into the county treasury.

SEC. 14. One hundred and ninety judicious persons, having the qualifications of electors, shall be annually selected in each of the counties to which this act is applicable, to attend as jurors in the probate court, in the manner prescribed by law for the selection of jurors to attend the court of common pleas; provided, that until the jurors are selected and returned in accordance with the law now in force the probate judge shall cause to be summoned, for each term, the proper number of qualified persons to serve as jurors for such term; and, provided further, that the list of jurors for the probate court shall be delivered to the probate judge by the trustees returning the poll book.

SEC. 15. The names of the persons selected to serve as jurors in the probate court, shall be written on separate pieces of paper, and deposited in a box to be provided at the expense of the county; and at least ten days before a term of a probate court unless by a written entry in his minutes, the judge shall dispense with or postpone the attendance of a jury, he shall, in the presence of the sheriff of the county, proceed to shake the box and draw therefrom twelve ballots, and shall forthwith deliver a list of the jurors drawn, to the sheriff, or a constable of the county, with an endorsement thereon, signed by him, with his name and seal of office, to the following effect: A. B., sheriff (or deputy sheriff or constable,) of the county of (Erie) to which this is delivered, is required to summon the persons named in the within list to appear before me at (naming place,) on (naming day and hour,) to serve as jurors at a probate court to be then and there held. Dated at —, the — day of —, 185 .

SEC. 16. Each party shall be entitled to two peremptory challenges, and such other challenges for cause as the probate judge may allow; and if twelve jurors do not attend, or be not obtained, the judge may direct the sheriff, or other officer in attendance, to summon any of the by-standers, or others who may be competent, against whom no sufficient cause of challenge shall appear, to act as jurors. When twelve jurors appear, and are accepted, they shall constitute the jury. The failure to attend by any person when duly summoned, shall be punished as in like cases in the court of common pleas; and the jury, when sworn or affirmed, shall hear the proofs of the parties, which must be delivered in public, and in the presence of the defendant.

SEC. 17. The officer to whom the list is delivered, shall forthwith summon each of the jurors named therein, personally, or by leaving a

written notice at his residence, with some person of suitable age at his discretion. He shall, also, at or before the time named therein, return the list to the probate judge, specifying the persons summoned, and the manner of service in respect to each of them.

SEC. 18. The probate judge shall thereupon administer to the jury the following oath or affirmation: "You do solemnly swear (or you do solemnly affirm, as the case may be,) that you will well and truly try the issue between the state of Ohio and the defendant, and a true verdict give according to law and evidence. So help you God."

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 12, 1858.

#### AN ACT

Making an appropriation for the payment of the claim of the Columbus Machine Manufactory, against the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the sum of fifteen thousand three hundred and eleven dollars and twenty-five cents be, and the same is hereby appropriated to the Columbus Machine Manufactory, out of any money in the state treasury for general revenue purposes, to be paid on the warrant of the auditor of state, in payment of a balance of a claim of eleven thousand one hundred and fifty-seven dollars and ninety-six cents, and the interest thereon, for iron and labor furnished for the new state house, and of a balance of a claim of one thousand nine hundred and twenty dollars and sixty-eight cents and the interest thereon, for boilers and other fixtures belonging to a heating apparatus furnished for the northern lunatic asylum, and in full of all claims against the state on account of said claims: Provided, that before payment of any portion of the money hereby appropriated the said Columbus Machine Manufactory shall dismiss the suit now pending against the state on said claim.

SEC. 2. This act to take effect and be in force from and after its passage.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 12, 1858.

#### AN ACT

For the relief of Walter Slicer.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the board of public works is hereby authorized and required to proceed forthwith, under the laws now in force, to condemn the lands of Walter

Slicer, within the limits of the original Lewistown reservoir, to the use of the state, and in the event of an appeal being taken from said proceedings, and condemnation by, or on behalf of the state to pay to said Walter Slicer out of any moneys appropriated to pay for the lands flooded by the original Lewistown reservoir, the sum of sixteen hundred dollars, so soon as the said Slicer shall comply with the conditions herein provided.

SEC. 2. As a condition precedent to such payment, the said Slicer shall execute to the state of Ohio a title bond with surety that he will convey to the state all the lands by him owned within the limits of the original Lewistown reservoir, so soon as the same shall have been finally condemned, and the damages assessed thereon paid to the said Slicer.

SEC. 3. That the said sixteen hundred dollars, so paid to said Slicer, shall be deemed and held to be an advancement on the damages so to be finally assessed, and the receipt therefor of the said Slicer, when deposited with the state treasurer, shall be deemed and held to be so much money deposited, as provided in the eleventh section of the act passed February 28, 1852, entitled "an act defining the powers and prescribing the duties of the board of public works," and when said lands shall be finally condemned, as provided in said act, and the damages assessed, such receipts shall be taken as and for sixteen hundred dollars payment on such damages.

SEC. 4. This act to take effect and be in force from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

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#### AN ACT

To authorize the incorporated village of Washington, in the county of Fayette, to take testimony and establish the corner or point from which to make future surveys of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of the county surveyor of the county of Fayette, when notified by the corporate authorities of the village of Washington, in said county, to proceed, as is by law required, in taking testimony for the establishment of old or decayed corners of land, by the act entitled "an act to enable the holders of lands within this state to perpetuate testimony relative to their lands," passed January 2d, 1824, to establish the corner or point, or corners or points, by planting stones or posts, as he may deem necessary, from which to make future surveys of said village, all of which shall be planted [platted] and recorded as is required by the provisions of said act, passed January 2d, 1824, above mentioned.

SEC. 2. All testimony taken under this act shall be taken under the same regulations and restrictions, and in the same manner, and shall have the same force and effect in law, as evidence taken by virtue of the act aforesaid.

SEC. 3. The county surveyor and other officers and witnesses shall be entitled to demand and receive of the corporate authorities of said village the same fees as are by law allowed for similar services by the act aforesaid; passed January 2d, 1824.

SEC. 4. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

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AN ACT.

For the relief of George C. Benham and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the certificates of deposit issued by the late treasurer of state, William H. Gibson, to wit: one to George C. Benham, for one hundred and fifty-five dollars, dated June 13, 1857, one to Henry F. Hulburt, for thirty dollars, same date, and one to William T. Hurd, for forty dollars, dated June 4, 1857, be received by the treasurer of state in payment of any public dues or money payable to the state.*

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

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AN ACT

To extend the time of payment for school section sixteen, Green township, Hamilton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That a further period of five years from the day the respective installments fall due, be, and the same is hereby given to the purchasers of school section of lands, number sixteen, Green township Hamilton county, for the payment of the principal of the purchase money thereof. Provided, that the interest and taxes thereon shall be punctually paid according to law; and provided, further, that the auditor of said county may require additional security for the payment of the principal and interest, if in his opinion the public interest require it.*

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## AN ACT

To authorize the board of education of the incorporated village of New Lexington to borrow money for school house purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the incorporated village of New Lexington, in Perry county, be, and said board is hereby authorized and empowered to borrow a sum or sums of money, in the aggregate not exceeding five thousand dollars, for the purpose hereinafter mentioned.

SEC. 2. That in exercising the power conferred by this act said board of education may issue bonds for such sums as may be deemed expedient, which bonds shall bear interest at a rate not exceeding ten per centum per annum, said interest, to be payable annually, on or before the first Monday in March; and said bonds shall be drawn so as to mature at periods not exceeding seven years from the date thereof: Provided, that not more than one thousand dollars shall mature in any one year.

SEC. 3. Said bonds shall be denominated "school house bonds," and shall be signed by a majority of said board of education, and countersigned by the clerk of said board. Each bond so issued shall be carefully numbered and dated, and the number, date of issue, amount, rate of interest, date of maturity, and the name of the person to whom issued, shall be carefully registered and preserved in the office of the clerk of said board of education. No bond shall be sold for a less sum than that stated upon its face.

SEC. 4. In case the loan provided for in this act shall be negotiated, said board of education is hereby authorized and required to levy a tax on the property situate in said incorporated village, and the territory attached, in each and every year, sufficient to pay the annual interest on the whole of said loan, and also to redeem said bonds as fast as they mature.

SEC. 5. That the proceeds of the loan authorized by this act, shall be expended in purchasing a site, and erecting and furnishing a school house in said incorporated village, and in discharging liabilities already incurred for said purposes, and for no other purpose whatever.

SEC. 6. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

# RESOLUTIONS.

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## SENATE JOINT RESOLUTION,

Relative to Kansas affairs.

*Resolved by the General Assembly of the State of Ohio,* That we still have entire confidence in the disinterestedness—the integrity and the ability of the present chief magistrate of these United States, and that his administration commands our cordial and undivided support.

*Resolved,* That we still adhere to, and re-affirm all the doctrines of the Cincinnati platform.

*Resolved,* That we regard the refusal of the Lecompton convention to submit the constitution framed by them to the bona-fide people of Kansas, as unwise and unfortunate for the peace of that territory, and we hereby declare it to be our unalterable judgment, that every constitution of a new state, unless otherwise directed by the people themselves, ought to be submitted to the bona-fide electors of such territory for their approval or rejection.

*Resolved,* That our senators in congress are hereby instructed, and our representatives are hereby requested, to vote against the admission of Kansas into the union, under the Lecompton, or any other constitution that has not proceeded from the people, by a clear delegation of power to the convention, to form and put in operation such constitution, without a further sanction of the people; or which has not been submitted to, and approved by, a vote of the people.

*Resolved,* That the governor be hereby requested to forward to each of our senators and representatives in congress, a copy of these resolutions forthwith.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

January 20, 1858.



## HOUSE JOINT RESOLUTION,

Relative to the establishment of Agricultural Colleges.

*Resolved by the General Assembly of the State of Ohio, That our senators and representatives in congress be requested to use their influence to secure an adequate and liberal grant of public lands to the several states, in fair and just distribution for the establishment of agricultural colleges in each and all of the states.*

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

February 1, 1858.

## HOUSE JOINT RESOLUTION,

Relative to printing certain documents in the German language.

*Resolved by the General Assembly of the State of Ohio, That for the use of the members thereof for distribution, there be printed in the German language fifteen hundred copies each of the reports of the auditor and treasurer of state, the reports of the trustees and officers of each of the benevolent institutions, the report of the directors and warden of the penitentiary for the year eighteen hundred and fifty-seven.*

WILLIAM B. WOODS.  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

February 1, 1858.

## HOUSE JOINT RESOLUTION,

Relative to granting free use of State library to the resident clergymen of Columbus.

*Resolved, That the free use of the state library be tendered to the resident clergymen of the city of Columbus, for two years from the first day of January 1858.*

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

February 1, 1858.

## HOUSE JOINT RESOLUTION,

Relative to appointment of Committee Rooms.

*Resolved by the General Assembly of the State of Ohio,* That the acting commissioner of the state house be and hereby is authorized and directed to furnish and put in order for immediate use, the committee rooms of the Senate and House of Representatives under the direction of the standing committees of the Senate and House on Public Buildings.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

February 1, 1858.

## SENATE JOINT RESOLUTION,

Relative to printing in appendix to Senate journal, the special report of the Board of Public Works on the Lewistown Reservoir.

*Resolved by the General Assembly of the State of Ohio,* That the special report of the board of public works on the subject of the Lewistown reservoir, made in pursuance of the joint resolution of the general assembly adopted April 17, 1857, be printed in the appendix to the Senate journal.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

February 2, 1858.

## HOUSE JOINT RESOLUTION,

Relative to publishing the proceedings of the General Assembly in the Ohio Statesman and Ohio State Journal.

*Resolved* That the reporting clerk of each branch of this assembly furnish a daily report of the proceedings and debates of each of said bodies to the Ohio Statesman and the Ohio State Journal, in due time for their respective issues of said papers: Provided, the proprietors of said papers shall receive five dollars per day, each, and no more, for publishing the same in their daily, tri-weekly and weekly issues; and provided further, that the said proprietors shall publish all matter furnished to them by the said reporters.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

February 5, 1858.

## HOUSE JOINT RESOLUTION,

Relative to directing the acting State House Commissioner to furnish the rooms assigned the School Commissioner and Quarter Master General.

*Resolved by the General Assembly of the State of Ohio, That the acting commissioner of the state house is hereby directed to furnish, under the supervision of the committees of the senate and house of representatives on state buildings, the rooms assigned to the school commissioner and quarter master general, under the joint resolution of April 17, 1857.*

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

February 5, 1858.

## SENATE JOINT RESOLUTION,

Relative to collecting and repairing public arms.

*Resolved by the General Assembly of the State of Ohio, That the governor be and he is hereby authorized to have put in repair such of the public arms collected under authority of the joint resolution of the general assembly, adopted April 17, 1857, as may be made serviceable, at a cost not exceeding seventy-five cents per arm. Resolved, that the governor be, and he is hereby authorized to distribute the arms collected as aforesaid to other divisions and brigades than where collected as may best advance the organization of the volunteer militia. Resolved, that the quarter master general be, and he is hereby authorized to distribute the public arms now in the state armory, and that may be hereafter received from the United States, to such of the divisions and brigades as in his opinion may best promote the organization of the volunteer militia of the state.*

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

February 3, 1858.

## SENATE JOINT RESOLUTION,

Relative to Committee on Enrollment.

*Resolved by the General Assembly of the State of Ohio, That the 13th joint rule be amended so as to read as follows, viz: 13. When a bill or joint resolution is enrolled, it shall be examined by the standing committee on enrollment of the two houses, acting jointly, whose duty shall*

be to compare the enrolled with the engrossed bill or joint resolution passed by the two houses, and correct any clerical errors which may be discovered and report forthwith to their respective houses.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

February 3, 1858.

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SENATE JOINT RESOLUTION,

Relative to printing and distributing Agricultural Reports for 1857 and 1858.

1st. *Resolved by the General Assembly of the State of Ohio*, That the secretary of state be, and he is hereby authorized and required to have printed 20,000 copies of the reports of the state board of Agriculture for the year 1857, and 20,000 copies for the year 1858; one fifth of which number shall be printed in the German language. Two thousand of each of said reports to be subject to the order of the State Board of agriculture, and 18000 of each the secretary of state shall apportion among the members of the present legislature according to the population they represent which he shall box up and forward to said members of the legislature directed to the care of the county auditor or auditors of the county or counties they may represent; on the receipt of said boxes the county auditors shall notify the members of the legislature thereof, and if said members shall neglect to distribute said reports among the people within thirty days from the time of said notice the auditor shall place them in the care of the president of the county agricultural societies, whose duty it shall be to distribute them. The charges of the transportation of said reports shall be paid in the same manner as is or may be provided by law for the distribution of the laws and journals.

2d. *Resolved*, That the present secretary of the state board of agriculture be and he is hereby authorized to procure appropriate engravings to illustrate the different varieties of wheat and descriptive of the diseases of the wheat plant both by insects or any other causes; the cost of said engravings not to exceed three hundred dollars.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

February 9, 1858.

## SENATE JOINT RESOLUTION,

Relative to appointment of a committee to inquire into the expediency of increasing the number of Judges.

*Resolved by the General Assembly of the State of Ohio,* That a joint select committee consisting of three on the part of the Senate and six on the part of the House, be appointed to enquire into the expediency of increasing the number of judges in the state, and that said committee be authorized to report by bill or otherwise.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

February 9, 1858.

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## HOUSE JOINT RESOLUTION,

To direct the public printer to print four hundred and eighty extra copies of the Militia bill.

*Resolved by the General Assembly of the State of Ohio,* That the public printer be directed to print four hundred and eighty extra copies of the militia bill now before the House of Representatives.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

February 9, 1858.

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## HOUSE JOINT RESOLUTION,

Relative to printing the report of the Reform School Commissioners and the report of the trustees of the Asylum for Idiots in the appendix to the Senate journal.

*Resolved by the General Assembly of the State of Ohio,* That the report of the Reform School commissioners and the report of the trustees of the Ohio Asylum for Idiots, be each printed in the appendix to the Senate journal.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

February 9, 1858.

## HOUSE JOINT RESOLUTION,

Relative to the admission of Rev. Alexander G. Huggins into the Central Lunatic Asylum.

*Resolved by the General Assembly of the State of Ohio,* That the board of trustees of the central lunatic asylum, be and are hereby authorized to admit Alexander G. Huggins of Highland county, an inmate of said institution, and that he be allowed to remain therein so long as said trustees in their judgment shall deem necessary and proper.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

February 9, 1858.

## HOUSE JOINT RESOLUTION,

Relative to printing extra copies of the Reform School bill.

*Resolved by the General Assembly of the State of Ohio,* That there be printed one hundred extra copies of the reform school bill for the use of the reform school commissioners and the committees of the Senate and House having charge of that subject.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

February 17, 1858.

## SENATE JOINT RESOLUTION,

Relative to printing extra copies of the report of the Commissioner of Statistics.

*Resolved by the General Assembly of the State of Ohio,* That 500 copies of the annual reports of the commissioner of statistics be printed in the usual form for the use of said commissioner; 300 copies for the use of the state librarian, for distribution and exchange; 200 copies for the use of the secretary of state, and 2000 copies for the use of the legislature.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

EDWARD M. PHELPS,

*President pro tem. of the Senate.*

February 19, 1858.

## SENATE JOINT RESOLUTION,

Relative to Hamilton county patients in the Central Lunatic Asylum.

*Resolved by the General Assembly of the State of Ohio,* That the superintendent of the Ohio central lunatic asylum be and is hereby requested to retain in said asylum the lunatics from Hamilton county, now legally subject to removal until the lunatic asylum for said county now being erected therein, is ready for the reception of patients, provided the same can be done without excluding new patients from said central asylum, and that such removals if required be made only so fast as becomes necessary in each case, and also provided that the retention of said lunatics hereby requested do not in any case exceed one year from the passage of this resolution, and that their maintenance in said central asylum hereafter be at the expense of said county of Hamilton, to be estimated at the same annual average of the patients retained therein during the time and to be paid monthly into the state treasury.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

EDWARD M. PHELPS,

*President pro tem. of the Senate.*

March 1, 1858.

## SENATE JOINT RESOLUTION,

Relative to distribution of Index to Ohio laws.

*Resolved by the Senate and House of Representatives,* That the secretary of state is hereby required to distribute the index to the Ohio laws and resolutions published A. D. 1858, as follows: To each county auditor, probate judge and clerk of the court of common pleas and prosecuting attorney, one copy for the use of their respective offices. For the state library, three copies. To each of the supreme judges of Ohio, one copy. To each of the common pleas and superior court judges, one copy. To the state law library, three copies. To each state library in the United States, one copy. To each public institution in this state, one copy. To each member of this general assembly, four copies. To each of this law libraries in the state of Ohio, three copies. And to each state officer, one copy.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

EDWARD M. PHELPS,

*President pro tem. of the Senate.*

March 1, 1858.

## HOUSE JOINT RESOLUTION,

Relative to furnishing the rooms occupied by the Secretary of State Board of Agriculture.

*Resolved by the General Assembly of the State of Ohio,* That the state house commissioner be directed to properly provide with furniture under the supervision of the standing committees on State Buildings, the rooms occupied by the secretary of the state board of agriculture.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

March 4, 1858.

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## HOUSE JOINT RESOLUTION,

Relative to McHenry's and Walshe's Patent Gas Burners.

*Resolved by the General Assembly of the State of Ohio,* That the standing committees on public buildings be instructed to examine into the propriety of adopting for use in the public buildings of this state "McHenry's Patent Gas Burner," or "Walshe's Reverse Pressure Double Chamber Gas Burner," and to report thereon.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

March 4, 1858.

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## HOUSE JOINT RESOLUTION,

Relative to furnishing Ohio Reports to the clerks of the Courts of Common Pleas.

*Resolved by the General Assembly of the State of Ohio,* That the secretary of state be, and is hereby instructed to furnish to the clerks of the courts of common pleas of the state of Ohio such volumes of the Ohio Reports as are in the office of said secretary of state for distribution, upon a certificate of the clerks of said courts, specifying what volumes are necessary, respectively, for the use of said counties.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

March 4, 1858.



## HOUSE JOINT RESOLUTION,

Relative to instructing the State House Commissioners to purchase patent gas burners.

*Resolved by the General Assembly of the State of Ohio,* That the state house commissioners are hereby directed and empowered to purchase either McHenry's or Walshe's, or any other patent gas burner, as they shall deem most economical to the state, and for the purpose of proving their respective merits, they are hereby authorized to employ Dr. Lock of Cincinnati, or any other competent and disinterested person possessed of the appropriate apparatus, to make a satisfactory and scientific test of the same: Provided, that said tests shall be made at the expense of the owners of said burners.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

March 13, 1858.

## HOUSE JOINT RESOLUTION,

Relative to furnishing county clerks with Swan's Revised Statutes.

*Resolved by the General Assembly of the State of Ohio,* That the secretary of state be, and he is hereby authorized and requested to forward to the clerk of the court of common pleas of any county in this state, upon the certificate of such clerk, such number of Swan's Revised Statutes of Ohio, as may be necessary to supply the officers of such county not having the same, with the copies thereof to which they may be entitled by law.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

March 27, 1858.

## SENATE JOINT RESOLUTION,

Relative to remains and monument of Simon Kenton.

WHEREAS, R. H. Cheatem, of Logan county, William A. Adams, of Hamilton county, Battaille Harrison, of Fayette county, Anthony Casad, of Logan, and John A. Corwin, of Champaign county, were appointed commissioners by an act of the legislature of 1854, to remove the remains of Simon Kenton, now interred in the county of Logan, to some suitable place, and erect, in commemoration of his life and services, an appropriate monument with inscription thereon. And whereas, the sum of one thousand dollars was appropriated to pay for the erection of such monument, therefore be it

*Resolved by the General Assembly of the State of Ohio, That the aforesaid commissioners are hereby required to report forthwith to this General Assembly, (or in case of its adjournment, to the governor,) what proceedings have been had under said law, and what steps are being taken to accomplish its end. Resolved, that the clerk of the senate be directed to transmit a copy of the foregoing resolution to each of the commissioners aforesaid.*

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

March 27, 1858.

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SENATE JOINT RESOLUTION,

*Relative to printing extra copies of the Governor's Special Message.*

*Resolved by the General Assembly of the State of Ohio, That there be printed one thousand extra copies of the message of the governor, transmitting statement of pardons and reprieves, &c.; 300 copies for the use of the governor, and 700 copies for the use of the members of the general assembly.*

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

March 27, 1858.

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SENATE JOINT RESOLUTION.

*Relative to binding and distributing the report of the commissioner of statistics.*

*Resolved by the General Assembly of the State of Ohio, That one thousand copies of the report of the commissioner of statistics be bound in the like manner as the laws and public documents are now bound, and that the same be distributed among the members of the general assembly, the commissioner of statistics, state librarian, and secretary of state, in the same proportion as they have been heretofore ordered.*

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

March 27, 1858.

## HOUSE JOINT RESOLUTION,

Relative to printing the Report of the State Board of Agriculture.

*Resolved by the General Assembly of the State of Ohio, That the secretary of state be and hereby is authorized to order the printing and binding of the report of the state board of Agriculture, so as to conform in size of type, mechanical execution and style of binding to the report of state board of agriculture of Massachusetts for the year 1855.*

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 2, 1858.

## SENATE JOINT RESOLUTION,

Relative to distribution of blanks under the registration act.

*Resolved by the General Assembly of the State of Ohio, That the secretary of state is hereby directed not to send out until otherwise ordered, any blanks under the registration act passed April 1856.*

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 2, 1858.

## SENATE JOINT RESOLUTION,

Relative to the adjournment of the General Assembly.

*Resolved by the Senate and House of Representatives, That the general assembly take a recess on Monday, the twelfth day of April to meet on the first Monday in January 1859.*

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 8, 1858.

## SENATE JOINT RESOLUTION,

Relative to burning certain certificates of the Public Funded Debt now in the Auditor's office.

WHEREAS, It appears that there exists, in the office of the auditor of state, sundry certificates, signed and executed by former commissioners of the canal fund, purporting to be certificates of the public funded debt

of the state, which have not been used, and for the use of which there is no proper authority; and as it is dangerous to the interests of the state that the same should remain subject to illegal use, therefore, be it

*Resolved by the General Assembly of the State of Ohio,* That the commissioners of the sinking fund prepare a schedule of all such certificates; cause the said certificates to be destroyed by being burned, in the presence of such persons as shall verify the same, and in presence of a majority of said board, who shall certify that fact, and make the subject a matter of record in their office and report a particular statement of the same in their next annual report to the governor.

WILLIAM B. WOODS

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 12, 1858.

SENATE JOINT RESOLUTION,

Relative to preparing a list of bills introduced.

*Resolved by the General Assembly of the State of Ohio,* That the chief clerks of the two houses be and they are hereby authorized and instructed as soon as practicable after the 12th inst. to prepare a list of the bills introduced into each house, showing the condition and disposition of the bills, and that the secretary of state cause the same to be printed, and two copies thereof to be transmitted by mail to each member of the general assembly and the president of the Senate.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 12, 1858.

SENATE JOINT RESOLUTION,

Relative to continuing James C. Maccracken in the State Asylum for Idiots as a state patient.

*Resolved by the General Assembly of the State of Ohio,* That James C. Maccracken, a pay patient in the Ohio state asylum for idiots be, from and after the first day of May next, continued in said asylum as a state patient, under such rules and regulations as may be established by law for the government and regulation of said asylum.

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 12, 1858.

## HOUSE JOINT RESOLUTION,

Relative to investigating the course of mental and mechanical instruction in the Deaf and Dumb and Blind Asylums.

*Resolved by the General Assembly of the State of Ohio*, That a joint select committee of three on the part of the House and two on the part of the Senate, be appointed whose duty it shall be to investigate without expense to the state, the course of mental and mechanical training now in practice in the deaf and dumb and blind asylums and report any improvement in their judgment judicious, having for its object a reduction in the expenses for the support of the same without impairing their usefulness.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

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## HOUSE JOINT RESOLUTION,

Relative to authorizing the President of the Senate and Speaker of the House to draw certificates for publishing legislative proceedings in the State Journal and Ohio Statesman.

*Resolved by the General Assembly of the State of Ohio*, That the president of the Senate and the speaker of the House of Representatives be and they are hereby authorized to draw certificates in favor of the proprietors of the Ohio State Journal and Ohio Statesman for publishing the official reports of the proceedings of the general assembly, commencing with the day when said papers began the publication of said proceedings.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

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## HOUSE JOINT RESOLUTION,

Relative to William H. H. Gibrant remaining in the Blind Asylum.

*Resolved by the General Assembly of the State of Ohio*, That the trustees of the institution for the blind be authorized to retain William H. H. Gibrant as a state pupil of said institution, if in their opinion said retention shall be deemed advisable.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## SENATE JOINT RESOLUTION,

Instructing fund commissioners to suspend the sale of turnpike stocks.

*Resolved, by the General Assembly of the State of Ohio, That the fund commissioners are hereby instructed to suspend all further proceedings in the sale of turnpike stocks owned by the state, until otherwise directed by the general assembly.*

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## SENATE JOINT RESOLUTION,

Relative to the sale of stocks and bonds owned by the state in railroad and canal companies, and the settlement of certain claims due the state.

*Resolved, by the General Assembly of the State of Ohio, That the board of commissioners of the sinking fund, or a majority of said board, are hereby authorized and required to sell for cash, and at their market value, or if there be no market value, at such price as said board shall deem equal to their actual value, all stocks owned by the state in any canal or railroad companies, and also all bonds owned by it of any railroad company.*

*Resolved, That the said commissioners be, and they are fully authorized and empowered to compound and settle with the receiver, trustee, assignee, or any other person thereto authorized, any and all claims held or made by the state against any bank or banking, or insurance, or other company, for such sum, and on such terms of cash or credit as they may deem to be for the interest of the state.*

*Resolved, That all moneys realized from the sales of any of the stocks, or bonds, or from the settlements of any of the claims herein above mentioned, shall be paid into the treasury, to the credit of the sinking fund; and the board shall report to the governor, in its semi-annual report, all its transactions under these resolutions.*

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## SENATE JOINT RESOLUTION,

Requesting the Governor to notify W. D. Morgan, A. P. Edgerton and Charles Reemelin of their appointment to examine into the condition of the treasury.

*Resolved, by the General Assembly of the State of Ohio, That the governor be requested to notify W. D. Morgan, A. P. Edgerton and Charles*

Reemelin of their appointment to examine into the condition of the treasury and other matters, in pursuance of the act passed at this session for that purpose.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

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SENATE JOINT RESOLUTION,

Relative to raising the Circleville feeder dam.

*Resolved, by the General Assembly of the State of Ohio, That the board of public works be authorized and directed to make, or cause to be made, such examination, surveys, appraisement and estimates as may be necessary to approximately determine the cost to the state of raising the feeder dam near Circleville to such height as will introduce a full supply of water into the Ohio canal, and also of building a lock of such lift as may be required, near Yellow Bud, and also the probable amount of damages which would be done to property by the making of the contemplated improvement, and report the result to the adjourned session of the general assembly.*

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

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HOUSE JOINT RESOLUTION,

Relative to building a crib from the McConneville dam, in Morgan county, to the Malta Mills.

*Resolved, by the General Assembly of the State of Ohio, That the board of public works be authorized to construct a crib from McConneville dam, in Morgan county, to the Malta Mills, so as to convey the water from the pool of the dam to the mill, and keep the race in repair: Provided that no expenditure shall be made by the board under this resolution, until the lessee of the water power at the Malta Mills, or his assignee, shall settle with said board, and pay, or secure to be paid, the rents due in equity for the water heretofore actually used at said mill, which settlement said board is hereby authorized to make upon equitable principles: Provided, that the whole expense of constructing said crib shall not exceed the sum of twenty five hundred dollars.*

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## SENATE JOINT RESOLUTION,

Relative to the removal of the State House yard fence.

*Be it resolved by the General Assembly of the State of Ohio, That as soon as the board fence that surrounds the east half of the yard, and the frame buildings within said inclosure are no longer needed for their present uses, the state house commissioners are hereby authorized to deliver the materials composing said fence and buildings, to [the] trustees of the Ohio state asylum for idiots, for the purpose of being reconstructed into fence and out buildings for said asylum.*

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 12, 1858.

## SENATE JOINT RESOLUTION,

Relative to extending the Farm and Family system to the Benevolent Institutions.

*Resolved by the General Assembly of the State of Ohio, That the commissioners of the reform schools be instructed to inquire into the expediency of extending the farm and family system to the other benevolent institutions of the state, and especially to inquire how far that system is applicable to the care and well being of the insane, and report to this legislature at an early day of its adjourned session, transmitting therewith such system or plans as they shall deem best calculated to secure economy and efficiency in said institutions, together with the necessary information connected therewith, including drawings and estimates of expenses.*

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 12, 1858.

## SENATE JOINT RESOLUTION,

Relative to binding and preserving in the Library, bills, &c., of the present session.

*Resolved by the General Assembly of the State of Ohio, That the state librarian be authorized and required to have bound and preserved in the library for future reference, two copies of the printed bills and printed amendments to bills introduced in the Senate and the House during the present session.*

WILLIAM B. WOODS,

*Speaker of the House of Representatives.*

MARTIN WELKER,

*President of the Senate.*

April 12, 1858.



## SENATE JOINT RESOLUTION,

Relative to the Chief Clerks of the two Houses making Indexes, reading proof, &c., after the adjournment of the General Assembly.

*Resolved by the General Assembly of the State of Ohio, That the clerks of the Senate and House of Representatives shall each receive at the rate of four dollars per day, for the time actually employed after the recess of the general assembly for making out indexes to the printed and recorded journals of the present session, for reading proof sheets of the same, and for such other necessary work as they are by law, and the duties of their offices required to perform, to be paid out of any money appropriated to defray the expenses of the general assembly on the order of the auditor of state.*

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

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## SENATE JOINT RESOLUTION,

Relative to distributing Auditor's Report. printed in German.

*Resolved by the General Assembly of the State of Ohio, That the secretary of state is hereby instructed to distribute the copies of the auditor's report which have been ordered to be printed in the German language, equally among the members of the general assembly, and send the same along with the journals and laws or agricultural reports, in the manner provided for the distribution of said documents respectively.*

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

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## HOUSE JOINT RESOLUTION,

Relative to collection of dividends due stockholders from Pennsylvania and Ohio Canal Company.

*Resolved by the General Assembly of the State of Ohio, That the attorney general be required to employ such measures as in his judgment may be best to compel the Pennsylvania and Ohio canal company to make a dividend to the stockholders of said company, of all funds now in their hands or under their control, belonging to said company, and that he be*

required to collect such part thereof as may belong to the state of Ohio, except such proportion of said funds, together with the probable amount of revenue to be derived from said canal the coming season as may be requisite for actual repairs for one year.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

HOUSE JOINT RESOLUTION,

Relative to an examination of Massilla Feeder.

*Resolved by the General Assembly of the State of Ohio,* That the acting commissioner in charge of that part of the public works, be and is hereby authorized and required to examine the Massilla Feeder in reference to the nuisance complained of in the petition hereto attached, and if in his opinion public interest requires the alteration prayed for, he shall cause the same to be done, provided the same will not cost exceeding five hundred dollars.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

HOUSE JOINT RESOLUTION,

Relative to Governor's Proclamation.

*Resolved by the General Assembly of the State of Ohio,* That his excellency the governor, be and he is hereby requested to issue his proclamation during the present year, appointing a day of public thanksgiving and prayer to Almighty God for His blessings and mercies to the people of this state.

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## HOUSE JOINT RESOLUTION,

Relative to sending documents to members of the Legislature.

*Resolved by the General Assembly of the State of Ohio, That the secretary of state be directed to send with the agricultural reports to each member of the general assembly, his portion of such of the German documents as are not now ready for distribution.*

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

## HOUSE JOINT RESOLUTION,

Relative to removing waste weir on Ohio canal between Groveport and the lock, near Lockbourne, Franklin county.

*Resolved by the General Assembly of the State of Ohio, That the board of public works be authorized to close and remove the waste weir at present located on the level of the Ohio canal between Groveport and the lock, near Lockbourne, Franklin county, to a point sixty rods east of its present location, so that the waste water may be more conveniently carried into walnut creek; provided the cost of such removal shall not exceed one hundred dollars, which shall be paid out of funds for repairs of canals.*

WILLIAM B. WOODS,  
*Speaker of the House of Representatives.*  
 MARTIN WELKER,  
*President of the Senate.*

April 12, 1858.

SECRETARY OF STATES'S OFFICE, }  
 COLUMBUS, Ohio, May, 1858. }

I hereby certify that the foregoing general and local laws and joint resolutions are correctly copied from the original rolls on file in this office.

A. P. RUSSELL,  
*Secretary of State.*

## TIMES OF HOLDING COURTS IN THE STATE OF OHIO.

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The regular times of holding the District Courts and the Courts of Common Pleas in all the counties of the State, compiled from returns of Common Pleas Judges made to the office of the secretary of State, and statutes in force fixing the times of holding Courts:

### FIRST JUDICIAL DISTRICT—HAMILTON COUNTY.

#### COURT OF COMMON PLEAS.

On the first Monday of January, the second Monday of May, and the first Monday of November.

#### DISTRICT COURT,

On the first Monday in April, and the first Monday in October.

### SECOND JUDICIAL DISTRICT—COURT OF COMMON PLEAS.

#### *First Subdivision.*

In the county of Butler, February 15, June 1, and October 18.

In the county of Preble, March 15, June 21, and November 29.

In the county of Darke, March 29, July 5, and December 20.

#### *Second Subdivision.*

In the county of Champaign, February 1, May 31, and October 18.

In the county of Montgomery, March 15, June 7, and November 8.

In the county of Miami, February 15, June 21, and December 6.

#### *Third Subdivision.*

In the county of Greene, February 1, May 31, and October 13.

In the county of Clark, February 1, June 28, and December 13.

In the county of Clinton, February 22, June 8, and November 2.

In the county of Warren, March 16, June 17, and November 23.

#### DISTRICT COURT.

In the county of Butler, on the twelfth day of April.

In the county of Preble, on the third day of May.

In the county of Darke, on the tenth day of May.

In the county of Montgomery, on the seventeenth day of May.

In the county of Miami, on the twenty-third day of August.

In the county of Champaign, on the thirtieth day of August.  
 In the county of Clark, on the sixth day of September.  
 In the county of Warren, on the thirteenth day of September.  
 In the county of Clinton, on the twenty-third day of September.  
 In the county of Greene, on the fourth day of October.

### THIRD JUDICIAL DISTRICT—COURT OF COMMON PLEAS.

#### *First Subdivision.*

In the county of Allen, on the first Tuesday of March, the second Tuesday of May, and the first Tuesday of October.  
 In the county of Hardin, on the second Tuesday of March, the third Tuesday of May, and the second Tuesday of October.  
 In the county of Logan, on the second Tuesday of April, the third Tuesday of June, and the second Tuesday of November.  
 In the county of Union, on the first Tuesday of April, the second Tuesday of June, and the first Tuesday of November.  
 In the county of Marion, on the third Tuesday of March, the fourth Tuesday of May, and the third Tuesday of October.  
 In the county of Shelby, on the fourth Tuesday of April, the first Tuesday of July, and the fourth Tuesday of November.  
 In the county of Auglaize, on the first Tuesday of May, the second Tuesday of July, and the second Tuesday of December.

#### *Second Subdivision.*

In the county of Paulding, on the first Tuesday of February, and the first Tuesday of October.  
 In the county of Defiance, on the second Tuesday of February, the first Tuesday of June, and the second Tuesday of November.  
 In the county of Henry, on the third Tuesday of February, and the third Tuesday of November.  
 In the county of Fulton, on the fourth Tuesday of February, the second Tuesday of June, and the fourth Tuesday of November.  
 In the county of Williams, on the first Tuesday of March, the third Tuesday of June, and the next Tuesday after the fourth Tuesday in November.  
 In the county of Van Wert, on the third Tuesday of March, and the third Tuesday of October.  
 In the county of Mercer, on the fourth Tuesday of March, and the fourth Tuesday of October.  
 In the county of Putnam, on the next Tuesday after the fourth Tuesday of March, and the next Tuesday after the fourth Tuesday of October.

#### *Third Subdivision.*

In the county of Wood, on the fourth Tuesday of February, the second Tuesday of June, and the second Monday of October.  
 In the county of Seneca on the second Tuesday of March, the third Tuesday of June, and the fourth Monday of October.  
 In the county of Hancock on the first Tuesday of April, the first Tuesday of July, and the third Tuesday of November.

In the county of Wyandot, on the third Tuesday of April, the second Tuesday of July, and fourth Tuesday of November.

In the county of Crawford, on the fourth Tuesday of April, the third Tuesday of July, and the second Tuesday of December.

DISTRICT COURT.

In the county of Shelby on the twenty-sixth day of July.

In the county of Mercer on the second day of August.

In the county of Auglaize on the fourth day of August.

In the county of Allen on the sixth day of August.

In the county of Marion on the ninth day of August.

In the county of Logan on the sixteenth day of August.

In the county of Union on the twenty-third day of August.

In the county of Hardin on the twenty-seventh day of August.

In the county of Crawford on the thirty-first day of August.

In the county of Wyandot on the third day of September.

In the county of Seneca on the sixth day of September.

In the county of Hancock on the thirteenth day of September.

In the county of Wood on the seventeenth day of May.

In the county of Henry on the twentieth day of September.

In the county of Fulton on the twenty-third day of September.

In the county of Williams on the twenty-fifth day of September.

In the county of Defiance on the twenty-eighth day of September.

In the county of Paulding on the first day of October.

In the county of Van Wert on the fourth day of October.

In the county of Putnam on the sixth day of October.

FOURTH JUDICIAL DISTRICT—COURT OF COMMON PLEAS.

*First Subdivision.*

In the county of Erie on the second Monday of February, the fourth Monday of May, and the first Monday of October.

In the county of Huron on the first Monday of March, the second Monday of June, and the fourth Monday of October.

In the county of Lucas on the second Monday of March, the third Monday of June, and the first Monday of November.

In the county of Sandusky on the fourth Monday of March, the fourth Monday in June, and the third Monday of November.

In the county of Ottawa on the first Tuesday of April, the first Tuesday of July, and the first Monday of December.

*Second Subdivision.*

In the county of Lorain on the second Tuesday of February, the second Tuesday of May, and the first Wednesday after the second Tuesday of October.

In the county of Medina on the first Monday of March, the first Monday of June, and the first Monday of November.

In the county of Summit on the fourth Tuesday of March, the third Tuesday of June, and the third Tuesday of November.

*Third Subdivision.*

In the county of Cuyahoga on the fifteenth day of February, the seventeenth day of May, and the fifteenth day of November.

## DISTRICT COURT.

In the county of Erie on the seventh day of April.  
 In the county of Ottawa on the eighteenth day of April.  
 In the county of Lucas on the twenty-first day of April.  
 In the county of Sandusky on the fifth day of May.  
 In the county of Huron on the ninth day of May.  
 In the county of Lorain on the fifteenth day of September.  
 In the county of Medina on the twenty-second day of September.  
 In the county of Summit on the twenty-ninth day of September.  
 In the county of Cuyahoga on the eleventh day of October.

## FIFTH JUDICIAL DISTRICT—COURT OF COMMON PLEAS.

*First Subdivision.*

## FIRST TERM.

In the county of Adams on the second Tuesday in January.  
 In the county of Brown on the third Tuesday in January.  
 In the county of Clermont on the second Tuesday after the third Tuesday in January.

## SECOND TERM.

In the county of Adams on the third Tuesday in May.  
 In the county of Brown on the next Tuesday thereafter.  
 In the county of Clermont on the second Tuesday after said last mentioned Tuesday.

## THIRD TERM.

In the county of Adams on the third Tuesday in October.  
 In the county of Brown on the next Tuesday thereafter.  
 In the county of Clermont on the second Tuesday after said last mentioned Tuesday.

*Second Subdivision.*

## FIRST TERM.

In the county of Ross on the second Tuesday of February.  
 In the county of Fayette on the fourth Tuesday thereafter.  
 In the county of Highland on the first Tuesday after said last mentioned Tuesday.

## SECOND TERM.

In the county of Highland on the first Tuesday in June.  
 In the county of Ross on the second Tuesday next thereafter.  
 In the county of Fayette on the third Tuesday after said last mentioned Tuesday.

## THIRD TERM.

In the county of Highland on the third Tuesday in October.  
 In the county of Fayette on the second Tuesday thereafter.  
 In the county of Ross on the second Tuesday after said last mentioned Tuesday.

*Third Subdivision.***FIRST TERM.**

In the county of Pickaway on the second Tuesday in February.  
 In the county of Franklin on the second Tuesday thereafter.  
 In the county of Madison on the fourth Tuesday next succeeding said last mentioned Tuesday.

**SECOND TERM.**

In the county of Pickaway on the third Tuesday in May.  
 In the county of Madison on the second Tuesday thereafter.  
 In the county of Franklin on the Tuesday next succeeding the last mentioned Tuesday.

**THIRD TERM.**

In the county of Franklin on the third Tuesday in October.  
 In the county of Pickaway on the fourth Tuesday thereafter.  
 In the county of Madison on the second Tuesday after said last mentioned Tuesday.

**DISTRICT COURT.**

In the county of Madison on the second Wednesday in April.  
 In the county of Franklin on the Monday next succeeding said second Wednesday.  
 In the county of Pickaway on the second Wednesday next succeeding said Monday.  
 In the county of Fayette on the Wednesday next succeeding the last mentioned Wednesday.  
 In the county of Ross on the Monday next succeeding the last mentioned Wednesday.  
 In the county of Adams on the third Wednesday in September.  
 In the county of Brown on the Monday next succeeding said last mentioned Wednesday.  
 In the county of Clermont on the Monday next succeeding the last mentioned Monday.  
 In the county of Highland on the second Wednesday after said last mentioned Monday.

**SIXTH JUDICIAL DISTRICT—COURT OF COMMON PLEAS.***First Subdivision.*

In the county of Knox on the twenty-second day of February, the thirtieth day of August, and the twenty-fifth day of October.  
 In the county of Licking on the fifteenth day of March, the thirteenth day of September, and the twenty-second day of November.  
 In the county of Delaware on the fifth day of April, the twenty-seventh day of September, and the thirteenth day of December.

*Second Subdivision.*

In the county of Ashland on the twenty-second day of February, the twenty-seventh day of September, and the thirteenth day of December.



In the county of Richland on the eighth day of March, the twenty-third day of August, and the twenty-second day of November.

In the county of Morrow on the fifth day of April, the thirteenth day of September, and the eighth day of November.

*Third Subdivision.*

In the county of Wayne on the twenty-third day of February, the twenty-fourth day of August, and the second day of November.

In the county of Holmes on the twenty-second day of March, the thirteenth day of September, and the twenty-ninth day of November.

In the county of Coshocton on the fifth day of April, the twenty-seventh day of September, and the thirteenth day of December.

DISTRICT COURT.

In the county of Wayne on the twenty-sixth day of April.

In the county of Richland on the seventh day of May.

In the county of Ashland on the nineteenth day of May.

In the county of Morrow on the twenty-sixth day of May.

In the county of Delaware on the second day of June.

In the county of Knox on the ninth day of June.

In the county of Licking on the twenty-first day of June.

In the county of Holmes on the ninth day of August.

In the county of Coshocton on the sixteenth day of August.

SEVENTH JUDICIAL DISTRICT—COURT OF COMMON PLEAS.

*First Subdivision.*

The spring terms shall be held in the county of Fairfield on the fourth Monday of February, in the county of Perry on the fourth Monday next after the fourth Monday of February, and in the county of Hocking on the second Monday after the fourth Monday of February.

The summer terms shall be held in the county of Fairfield on the second Monday of May, in the county of Perry on the Fourth Monday next after the second Monday of May, and in the county of Hocking on the second Monday next after the second Monday of May.

The fall terms shall be held in the county of Fairfield on the first Monday of October, in the county of Perry on the second Monday thereafter, and in the county of Hocking on the Fourth Monday next thereafter.

*Second Subdivision.*

The spring terms shall be held in the county of Scioto on the second Monday in February, in the county of Pike on the fourth Monday in February, in the county of Lawrence on the second Tuesday next after the fourth Monday in February, in the county of Jackson on the fourth Tuesday next after the fourth Monday in February, and in the county of Vinton on the fourth Monday next after the fourth Monday in February.

The summer terms shall be held in the county of Scioto on the second Monday in May, in the county of Pike on the fourth Monday in May, in the county of Jackson on the second Tuesday next after the fourth

Monday in May, in the county of Vinton on the second Monday next after the fourth Monday in May, and in the county of Lawrence on the fourth Tuesday next after the fourth Monday in May.

The fall terms shall be held in the county of Lawrence on the last Tuesday in September, in the county of Jackson on the second Monday next after the second Tuesday in October, in the county of Vinton on the first Monday next after the second Tuesday of October, in the county of Pike on Wednesday next after the second Tuesday in October, and in the county of Scioto on the third Monday next after the second Tuesday in October.

*Third Subdivision.*

The spring terms shall be held in the county of Washington on the third Tuesday next after the second Monday in February.

In the county of Athens on the second Monday.

In the county of Meigs on the third Tuesday.

And in the county of Gallia on the fourth Monday next after the said third Tuesday, next after the said second Monday of February.

The summer terms shall be held in the county of Washington on the Thursday next preceding the second Monday of May.

In the county of Athens on the second Monday.

In the county of Meigs on the third Tuesday.

And in the county of Gallia on the fourth Monday next after the said Thursday, next preceding the said second Monday of May.

The fall terms shall be held in the county of Washington on the first Thursday next after the second Tuesday of October.

In the county of Athens on the second Monday.

In the county of Meigs on the third Tuesday.

And in the county of Gallia on the Fourth Monday next after the first said Thursday, next after the said second Tuesday of October.

DISTRICT COURT.

In the county of Washington on the second Monday of April.

In the county of Meigs on the first Friday after the second Monday of April.

In the county of Gallia on the third Monday of April.

In the county of Lawrence on the first Thursday after the third Monday of April.

In the county of Scioto on the fourth Monday of April.

In the county of Perry on the first Wednesday of September.

In the county of Fairfield on the first Friday after the first Wednesday of September.

In the county of Hocking on the second Wednesday of September.

In the county of Athens on the first Friday after the second Wednesday of September.

In the county of Vinton on the first Monday after the second Wednesday of September.

In the county of Jackson on the third Wednesday of September.

In the county of Pike on the first Monday next after the fourth Monday of April.

# **EIGHTH JUDICIAL DISTRICT—COURT OF COMMON PLEAS.**

## *First Subdivision.*

In the county of Muskingum on the second day of February, the fifteenth day of June, and the second day of November.

In the county of Morgan on the second day of March, the twenty-fifth day of May, and the twenty-fourth day of August.

In the county of Noble on the sixteenth day of March, the eighth day of June, and the seventh day of September.

## *Second Subdivision.*

In the county of Guernsey on the twenty-sixth day of January, the twenty-second day of June, and the second day of November.

In the county of Monroe on the sixteenth day of February, the sixth day of July, and the sixteenth day of November.

In the county of Belmont on the second day of March, the twenty-fifth day of May, and the twenty-fourth day of August.

## *Third Subdivision.*

In the county of Jefferson on the second day of February, the twenty-fifth day of May, and the twenty-fourth day of August.

In the county of Harrison on the second day of March, the sixth day of July, and the sixteenth day of November.

In the county of Tuscarawas on the sixteenth day of March, the twenty-second day of June, and the second day of November.

## **DISTRICT COURT.**

In the county of Tuscarawas on the nineteenth day of October.

In the county of Harrison on the twenty-sixth day of October.

In the county of Jefferson on the thirtieth day of March.

In the county of Belmont on the sixteenth day of April.

In the county of Monroe on the fourteenth day of May.

In the county of Noble on the tenth day of May.

In the county of Guernsey on the thirtieth day of April.

In the county of Morgan on the twenty-first day of September.

In the county of Muskingum on the twenty-fourth day of September.

# **NINTH JUDICIAL DISTRICT—COURT OF COMMON PLEAS.**

## *First Subdivision.*

In the county of Columbiana on the second Monday of February, the third Monday of May, and the fourth Monday of September.

In the county of Carroll on the fourth Monday of February, the second Monday next succeeding the third Monday of May, and the first Monday after the second Tuesday of October.

In the county of Stark on the first Monday of March, the third Monday next succeeding the third Monday of May, and the second Monday next succeeding the second Tuesday of October.

*Second Subdivision.*

In the county of Portage on the second Monday of February, the third Monday of May, and the fourth Monday of September.

In the county of Mahoning on the fourth Monday of February, the second Monday next succeeding the third Monday of May, and the first Wednesday after the second Tuesday of October.

In the county of Trumbull on the second Monday of March, the fourth Monday next succeeding the third Monday of May, and the second Monday next succeeding the second Tuesday of October.

*Third Subdivision.*

In the county of Lake on the second Monday of February, the third Monday of May, and the fourth Monday of September.

In the county of Geauga on the fourth Monday of February, the second Monday next succeeding the third Monday of May, and the first Wednesday after the second Tuesday of October.

In the county of Ashtabula on the second Monday of March, the fourth Monday next succeeding the third Monday of May, and the second Monday next succeeding the second Tuesday of October.

## DISTRICT COURT.

In the county of Portage on the fourth Monday of March.

In the county of Trumbull on the first Monday next succeeding the fourth Monday of March.

In the county of Mahoning on the third Monday next succeeding the fourth Monday of March.

In the county of Columbiana on the fourth Monday next succeeding the fourth Monday of March.

In the county of Carroll on the fifth Monday next succeeding the fourth Monday of March.

In the county of Stark on the sixth Monday next succeeding the fourth Monday of March.

In the county of Lake on the first Monday of September.

In the county of Geauga on Saturday next succeeding the first Monday of September.

In the county of Ashtabula on the third Monday of September.



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## ERRATA.

*(Note by the Clerk of the House of Representatives.)*

In the press and hurry of business in the House of Representatives during the last few days of the session, two very serious and grievous errors of the enrolling clerks were overlooked by the committee on enrollment, as follows:

In House Bill No. 5; "An act concerning the relation of guardian and ward," section 34 the word "not" is superfluous. The section as it stands in the engrossed bill, which passed both Houses, reads as follows:

SEC. 34. When any unmarried woman, who has been or may be appointed guardian of any minor, shall marry, such marriage shall of itself determine the guardianship of such woman, and the probate court of the proper county shall appoint another guardian for such minor, to which last named guardian all the estate of such minor shall, on demand, be delivered up by such former guardian; and she shall forthwith render her guardianship account to the court from which she received her appointment, for final settlement.

In House Bill No. 178; "An act to amend 'an act providing for the election of coroners and sheriffs, and fixing their terms of office,' passed March 8, 1854," about one half of section two is entirely omitted in the enrolled bill! The section as it stands in the engrossed bill, which passed both houses, reads as follows:

SEC. 2. That the term of office of all sheriffs and coroners elected in the several counties in this state on the second Tuesday of October in the year eighteen hundred and fifty-six, shall expire on the first Monday of January in the year eighteen hundred and fifty-nine; and the term of office of all sheriffs and coroners elected on the second Tuesday of October, in the year eighteen hundred and fifty-seven, shall expire on the first Monday of January, in the year eighteen hundred and sixty, or as soon thereafter as their respective successors are elected and qualified.

These errors are purely clerical, and attributable, in a great measure, to the manner in which business was rushed through the House during the last few days of the session, which rendered it impossible for the enrolling committees to give every bill that time and attention which the proper discharge of their duties required.

Attest:

JOHN W. KEES, Clerk House of Representatives.

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